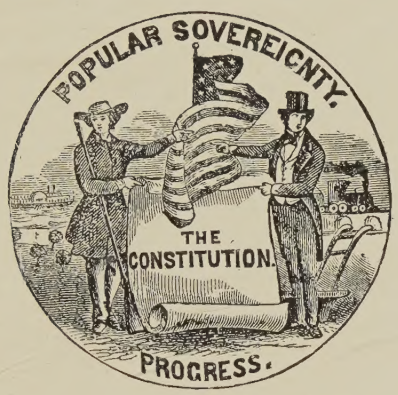
NE
0-32a
RB

# ILLUSTRATED HISTORY OF NEBRASKA




TERRITORIAL SEAL

WITH

MAPS, TABLES, VIEWS

PORTRAITS, BIOGRAPHIES, AND

SPECIAL ARTICLES

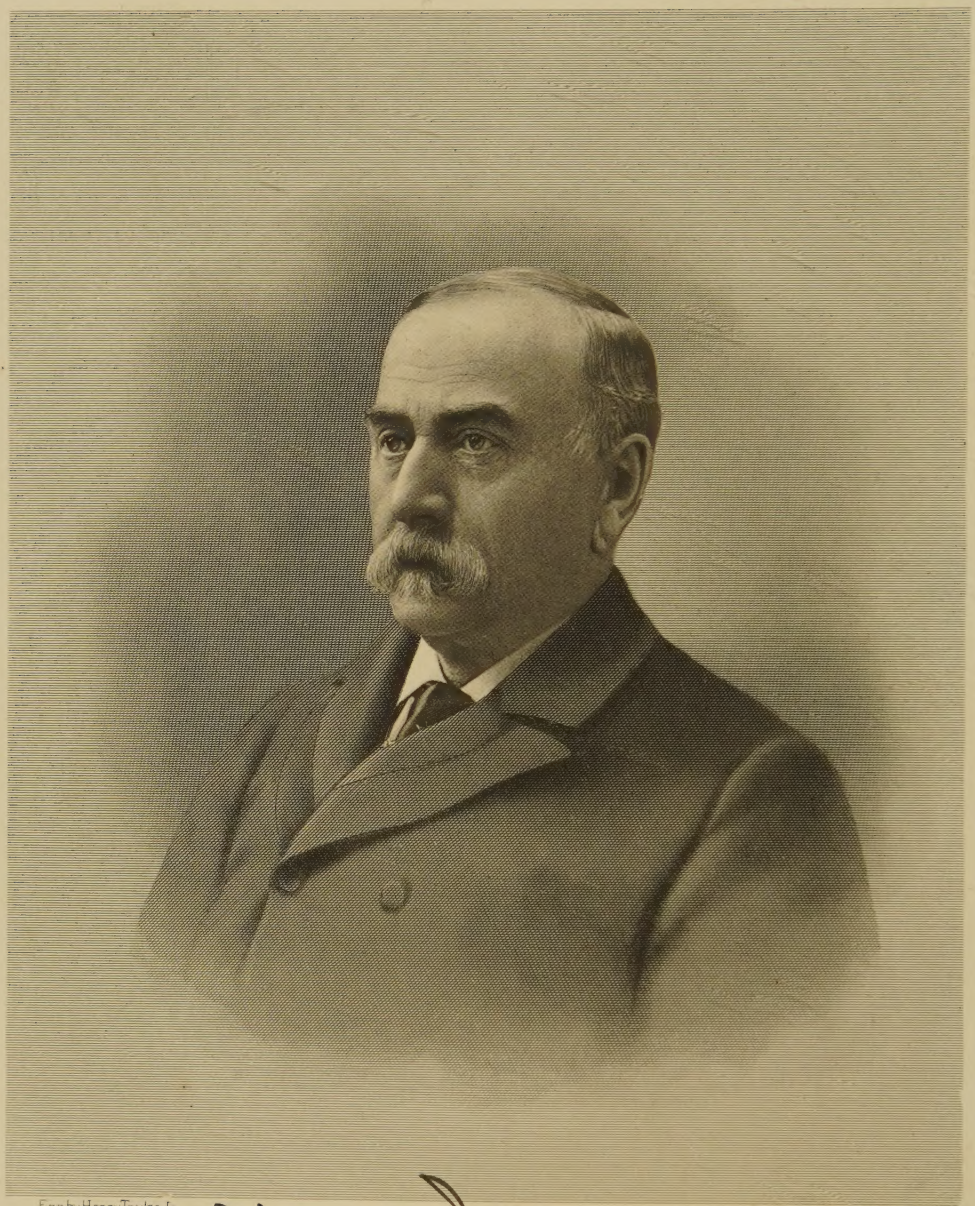
Property of the Seattle Genealogical Society

VOLUME I

1905

Digitized by the Internet Archive
in 2025

https://archive.org/details/illustratedhisto0000jste



Eng by Henry Taylor Jr

Chicago Ill

J. Sterling Morton

# ILLUSTRATED HISTORY OF NEBRASKA

A HISTORY OF NEBRASKA FROM THE EARLIEST EXPLORATIONS OF THE TRANS-MISSISSIPPI REGION

WITH

STEEL ENGRAVINGS, PHOTOGRAVURES, COPPER PLATES, MAPS, AND TABLES

BY

J. STERLING MORTON

SUCCEEDED BY

ALBERT WATKINS, PH. B., LL.B., AS EDITOR-IN-CHIEF

DR. GEORGE L. MILLER, ASSOCIATE EDITOR

VOLUME I

LINCOLN
JACOB NORTH & COMPANY
1905

COPYRIGHT, 1905
BY
THE WESTERN PUBLISHING AND ENGRAVING COMPANY
ALL RIGHTS RESERVED

DEDICATED

TO THE MEMORY OF THE STRONG MEN AND NOBLE WOMEN WHO DARED THE DANGERS AND ENDURED THE HARDSHIPS OF PIONEER LIFE IN THE "GREAT AMERICAN DESERT"; WHO FIRST PLOWED AND PLANTED UPON THESE PLAINS, AND WHO HERE FIRST BUILT AND CONSECRATED HUMAN HOMES

LINCOLN,
1905

# EDITORIAL STAFF

J. STERLING MORTON

SUCCEEDED BY

ALBERT WATKINS, PH.B., LL.B., as Editor-in-Chief

DR. GEORGE L. MILLER, . . . . . Associate Editor

CLARENCE SUMNER PAINE, . . . . . Managing Editor

---

## CONTRIBUTORS

GEOLOGY

ERWIN HINCKLEY BARBOUR, PH.D., . . . . Lincoln, Nebraska
Professor of Geology, University of Nebraska

PLANT LIFE

CHARLES EDWIN BESSEY, LL.D., . . . . Lincoln, Nebraska
Professor of Botany, University of Nebraska

PLACE OF NEBRASKA IN AMERICAN HISTORY

HOWARD WALTER CALDWELL, PH.B., A.M., . . . Lincoln, Nebraska
Professor of American History and Politics, University of Nebraska

THE SOCIOLOGICAL PECULIARITIES OF THE PLAINS POPULATION

GEORGE ELLIOTT HOWARD, PH.D., . . . . Lincoln, Nebraska
Professor of Institutional History, University of Nebraska

THE ADMINISTRATION OF JUSTICE IN NEBRASKA

ROSCOE POUND, PH.D., . . . . Lincoln, Nebraska
Dean of the College of Law, University of Nebraska

METEOROLOGY

PROFESSOR GEORGE A. LOVELAND, . . . . Lincoln, Nebraska
Director of the U. S. Weather Bureau, University of Nebraska

ANIMAL LIFE

LAWRENCE BRUNER, B.SC., . . . . Lincoln, Nebraska
Professor of Entomology and Ornithology, University of Nebraska

FORESTRY

ROBERT W. FURNAS, Former Governor of Nebraska.

CONSTITUTIONAL HISTORY

JAY AMOS BARRETT, . . . . . Lincoln, Nebraska
Curator and Librarian, Nebraska State Historical Society

MUNICIPAL HISTORY

ADDISON E. SHELDON, A.M., . . . . . Lincoln, Nebraska
Director of Field Work, Nebraska State Historical Society

ARCHEOLOGY

ELMER ELLSWORTH BLACKMAN, . . . . . Lincoln, Nebraska
Archeologist Nebraska State Historical Society

BANKING AND FINANCE

HENRY W. YATES, . . . . . Omaha, Nebraska
President Nebraska National Bank

METHODIST EPISCOPAL CHURCH

REV. DAVID MARQUETTE, D.D., . . . . University Place, Nebraska
Corresponding Secretary State Methodist Historical Society

EPISCOPAL CHURCH

HON. JAMES M. WOOLWORTH, . . . . . Omaha, Nebraska
Chancellor of the Episcopal Diocese of Nebraska

CATHOLIC CHURCH—OMAHA DIOCESE

REV. PATRICK F. MCCARTHY, . . . . . Omaha, Nebraska

CATHOLIC CHURCH—LINCOLN DIOCESE

REV. MICHAEL A. SHINE, . . . . . Lincoln, Nebraska
Rector St. Theresa's Pro-Cathedral

CHRISTIAN CHURCH

WILLIS A. BALDWIN, . . . . . Lincoln, Nebraska
Corresponding Secretary, Nebraska Christian Missionary Society

CONGREGATIONAL CHURCH

REV. HARMON BROSS, D.D., . . . . . Lincoln, Nebraska
Superintendent of Congregational Home Missions for Nebraska, and Department Commander of Grand Army of the Republic

BAPTIST CHURCH

REV. AUSTIN W. CLARK, . . . . . Omaha, Nebraska
Baptist Church Historian for Nebraska, and Corresponding Secretary National Conference of Charities and Corrections

LUTHERAN CHURCH

LUTHER M. KUHNS, D.D., . . . . . Omaha, Nebraska
Secretary Luther League of America

MASONRY

FRANCIS E. WHITE, . . . . . Omaha, Nebraska
Grand Secretary A. F. and A. M.

ODD FELLOWSHIP

HON. GEORGE L. LOOMIS, LL.B., . . . . Fremont, Nebraska

REMINISCENCES

HON. JEFFERSON H. BROADY, . . . . . Lincoln, Nebraska

ACROSS THE PLAINS IN 1862

CAPTAIN HENRY E. PALMER, . . . . . Omaha, Nebraska

GRAND ARMY OF THE REPUBLIC

BRADFORD P. COOK, . . . . . Lincoln, Nebraska
Department Patriotic Instructor G. A. R.

CHRISTIAN SCIENCE IN NEBRASKA

WILLIAM HOLMAN JENNINGS, . . . . . Lincoln, Nebraska
Christian Science Publication Committee for the State of Nebraska

PRESBYTERIAN CHURCH

REV. JAMES D. KERR, . . . . . Omaha, Nebraska

UNION PACIFIC RAILROAD

GEN. GRENVILLE M. DODGE, . . . . . New York city

THE STORY OF FALKI, WAR CHIEF OF THE PAWNEES

HON. HIRAM P. BENNET, . . . . . Denver, Colorado

INDIAN NOTES

MELVIN RANDOLPH GILMORE, A.B., . . . . Bethany, Nebraska
Assistant in Science and Curator of Museum, Cotner University

NEBRASKA STATE BOARD OF AGRICULTURE

EDMUND MCINTYRE, . . . . . Seward, Nebraska
Member of the Board since 1874 and Treasurer since 1890

# EDITOR'S PREFACE

THE ILLUSTRATED HISTORY OF NEBRASKA was projected in 1897, with J. Sterling Morton as editor-in-chief and Dr. George L. Miller associate editor. The plan of the work was arranged and the preparation of the contributions, such as histories of counties, articles on special topics, including histories of the various churches and other societies and biographical sketches, was begun under Mr. Morton's supervision and with the effective and enthusiastic aid and counsel of Dr. Miller. A few months before Mr. Morton's lamented death, at his urgent solicitation, I consented to carry on his work as editor and in particular to prepare the history proper. His plan at that time was to confine this part of the work to a brief outline of the formal history of the territory and state, regarding the other parts as its principal feature. He intended that this work should be accomplished in a few months and that the history should be ready for publication early in the year 1902. From the first I held firmly the opinion that a comprehensive and systematic history was more desirable and would be more useful and of more permanent value than the proposed special features. The publishers, Jacob North & Co., and Mr. C. S. Paine, managing editor, also shared my views. Everything, therefore, that Mr. Morton had planned for the history as editor-in-chief, and with a much larger scope, will be executed just as if he had lived, but in the regular or systematic history of the territory, which has constantly grown on our hands and is presented in this and the following volume, early subscribers to the work get as a reward for their possibly tedious waiting vastly more than Mr. Morton instructed me to give.

In a prospectus of the History, written when it was projected, Mr. Morton, in enthusiastically setting forth important features of a worthy work of that kind and its great importance, expressed a vivid appreciation of the great labor and expense involved in the undertaking, by reason of its magnitude and the fact that its field was as yet unexplored, and also of the illustrative value of a comprehensive system of biographical sketches:

"But as yet the story of those stirring times and the narrative of the first struggles between barbarism and civilization on these plains is unwritten. More than thirty years have elapsed since Nebraska ascended from territorial to state government and was transformed from a federal dependency to a sovereign member of the American Union. In all those years no faithful history of the commonwealth from its inception has been essayed and only a few meager sketches of its morning time and its pioneers have ever been published. The time and the opportunity for a history of Nebraska has arrived. It is our duty to gather together in good and enduring form all the stories and heroisms of the frontier territory and to truthfully portray the moral and mental strength of the courageous men and women who made it so strong and vigorous that it evolved the state.

"And then, uniting the forerunners of the frontier with the pioneers of the new state, this history shall demonstrate the self-reliance, the self-denial, and the self-respect which characterized and glorified those men and women who relinquished friends, relatives, and all the charms and associations of their dear homes in the East to become the forerunners of a new civilization on these plains. There is a universal demand for a credible history which shall give the youth of Nebraska a correct understanding of its founders, and the outcoming volumes will be alive with the individualities which have given power and force to the mental and material growth of the state. In almost every county there are men and women whose influence and labors have made them italicized forces in industrial and social progress. Many of these are of relatively recent citizenship, but

by their superior abilities and tireless energies they have impressed themselves ineffaceably upon the welfare and growth of their respective localities, and in fact upon the entire state. The biographies of such men and women not only make the history of a state—they construct and fashion the state itself.

"But besides truthfully portraying past achievements and present developments, we shall honestly endeavor to set forth the economic advantages of each county and town in the state of Nebraska. Soil, climate, water supply, clays for pottery and tiles and stone quarries wherever found will be accurately described, while the agricultural and horticultural advantages and possibilities of all will be equitably and plainly depicted. The present output of manufactured articles will be accredited to each community. The advantages of giving to the world in this substantial and permanent form a standard thesaurus of reference for Nebraska are too obvious to require elaboration.

"The editors and publishers realize that this historical work requires vast labor and research and the outlay of a very large sum of money. But they have faith in the pride of ancestry, pride of home, and pride of state which permeates Nebraska citizenship, and therefore enter upon the work with an exultant assurance of making it a marked and triumphant success."

I shall perhaps be charged with too frequent use of newspaper statement and comment. But I have followed that course deliberately, because the contemporary press furnishes a large part of our source material and because the press comment, discriminatingly judged by the reader, is the best illustrator and interpreter of the related facts and incidents. Mr. McMasters, it seems to me, has been at fault in so commonly basing his facts upon newspaper statements with mere foot-note reference to his authority. In avoiding this fault I have perhaps committed another in frequently giving the newspaper statement itself in the text. It is a great misfortune that, in addition to the loss of public records and other historical material, the territorial government neglected to preserve files of the newspapers, so that they are not completely connected, and only a few numbers of many of them are in existence at all. Mr. Alonzo D. Luce, territorial librarian, 1859–60, showed keen foresight and solicitude in relation to the preservation of newspapers, and prophesied the loss, which we now deplore, in the following lamentation:

"Many of the files of newspapers heretofore published in this Territory, which I have received from my predecessor, John H. Kellom, Esq., are in a mutilated condition, and I deem it prudent to recommend an appropriation to defray the expenses of binding them, and those which may accumulate during the coming year."[1]

This appeal of 1859 was, it seems, in vain, and so it was repeated in the next report with additional emphasis:

"I have experienced considerable difficulty in procuring the few broken files of newspapers which are now in my office, owing to the great irregularity and uncertainty of the mails in the Territory. I deem it advisable, therefore, to urge the passage of a law requiring each newspaper publisher in the Territory to furnish at the end of each volume of their publication, one complete copy or file of whatever journal they may publish, to the Librarian, who shall audit and approve any bill agreeing with their advertised rates, and draw upon the Auditor of the Territory for the issue of warrants to the full extent of said bill. When said copy of any journal is received, it can only be preserved by binding in a good and substantial manner. Hence, I again request you to urge upon the Legislative Assembly an appropriation to defray the expenses of binding all the files of newspapers now in my possession. By carefully preserving these diaries of the ever-fleeting present, can we alone hand down to our posterity the progressive history of our fair young Territory. Without these files of newspapers, biographers and historians may look in vain for data of past events, and the world will, however willing, be unable to look

[1]House Journal, 6th Ter. Sess., p. 28.

with an admiring eye upon the individual achievements of our philosophers and statesmen. Even the publications of the first Legislative Assembly are now nearly extinct, and soon, without some fostering hand to preserve them, we will have no record of the action of that honorable body. When I received the Library there was to be found not a single copy of either the Laws or Journals of the House of Representatives of the first session of the Legislative Assembly."[1]

Obviously, in a state history, it is proper to record facts much more minutely than in a national, or more general work; and it is to be regretted that facts of our early history have been so meagerly preserved, and indeed so carelessly lost. The discovery and assimilation of additional detail material will be the work of students for many years. Fully conscious of the necessary imperfections of the history, I yet rejoice that I have at least been able to collect, preserve, and arrange in systematic, connected, and intelligible form the important facts, and to recite in regular sequence the story, of the beginning and early life of this great commonwealth, so that its citizens will no longer be compelled to regret, or be able to justify, ignorance of the history of their state because there is no means of acquiring any knowledge of it. Much of the material for this history was rapidly perishing; and I am conscious of having performed at least a timely and important public service in embalming in these pages such part of the precious and fugitive data as I have been able to gather. Thanks are due to those eminent specialists, Professors Charles E. Bessey, Erwin H. Barbour, Lawrence Bruner, and George A. Loveland, of the University of Nebraska, for their generous and very valuable contributions on the botany, geology, entomology, and meteorology of the state, to the gentlemen in charge of the State Historical Society for their generous aid, to librarians and others in charge of documentary matter, and to the pioneers of the territory for their willing and valuable contributions of facts.

A history of Nebraska naturally involves some account of the Louisiana Purchase and the Kansas-Nebraska bill; but if my treatment of these topics seems of disproportionate length and particularity, it is, I think, justified by the fact that many of the Nebraska purchasers of the history live out of reach of libraries, and my object has been to furnish them, including country schools, with a tolerably complete, progressive account of the origin and political development of the vast and rich portion of the great Purchase out of which the state was deliminated.

For the comfort of the historian it is too soon to write history during the lifetime of the doers of many of the deeds recounted. A history involves at least incidental or partial biographies of its principal human actors, and Mr. Edmund Gosse has well observed that, "The biographer's anxiety should be, not how to avoid indiscretion, but how to be as indiscreet as possible within the boundaries of good taste and kind feeling."[2] In this sense, in the interest of the whole work, it is possible that I have been occasionally indiscreet in the treatment of the personages of the history, but always, I hope and think, within the boundaries outlined by the competent critic I have cited. Another historical critic[3] has lately expressed my own deductions from experience:

"If he can only make his reader also aware of what happened, and from what reasonable causes and after what fashion of occurrence, he will do well. Any such insight and hindsight and foresight as they attempt who would fain discover 'the meaning of history' would be nothing less than a complete mastery of life. It would carry along with it all science and all theology. . . . It is the things that are told us in the sim-

[1] House Journal, 7th Ter. Sess., p. 29.
[2] The Ethics of Biography, *Cosmopolitan Magazine*, July, 1903.
[3] Wm. Garrett Brown, *Atlantic Monthly*, November, 1903.

plest honesty, with whatever confessions of interest may be necessary, that help us most to understand the life about us; and I know not why the same thing should not be true of past life."

Again, excusing what to the severe critic may seem undue indulgence in detail and personalities, the same writer says:

"However considerable may be the practical uses of the knowledge of the past, I am persuaded that men do not, as a rule, give themselves to a study of it for any merely practical purpose whatever. It is rather from a grave curiosity that the historian sticks to his endless task."

Furthermore, as William Roscoe Thayer has lately observed, "personality is coming again into the foreground of history. This involves a radical change in treatment, for persons must be described as alive and concrete, with individual flavor and surprises, and not as abstract and mechanical." And yet, in fact if not in purpose, the historian caters to curiosity to a better end. For, "We have reached the synthetic stage. History is going to be more and more a civilizing agent, for it will keep ever present the collective experience of mankind. Many false steps are now taken, many crazes distract the people, many wicked policies are ventured on by rulers, through ignorance or forgetfulness of the results of similar action in the past. History will serve not less as a corrective than as a discipline and as an inspiration."

This History is in the main a story of great accomplishment through great effort, inspired in some sort by great courage and high character, yet always hampered and often defeated by weakness and wickedness in private relations, but more particularly in public place. This story of the past should be a warning, a guide, and a stimulus in the present first general and apparently genuine struggle in this commonwealth for civic righteousness and economic equity.

While the principal object of the historian is to expose facts to the view and judgment of the readers themselves, yet it is necessary to comment and pass judgment upon given data in order to ascertain the real facts. Again Mr. Thayer: "The historian's business is to trace the sequence of cause and effect so that every event, every deed shall appear inevitable," but beyond this he can not go; for "until history can demonstrate the possible as clearly as the actual, it will never be a valid science. . . . Before history can be a science, men must possess the gift of prophecy. Chemistry is a science because water will be composed of two molecules of hydrogen and one of oxygen until the earth drops into the sun; but the historian has to do with a chain of causation in which the chief elements—the human will and chance—are absolutely incomputable. . . . Suppose Mirabeau had not died in 1791,—suppose Robespierre had been assassinated in 1792,—suppose a stray bullet had killed young Bonaparte at Toulon,—how would the course of events have been changed!"

Further comment of Mr. Brown more than justifies and excuses the amount of time given to the preparation of the present work:

"The fame of a historian is not to be won but by the longest of wooings. It is scarcely too much to say that no really great work in history was ever less than a life work. . . . It is not alone in the erudition of his work, but in the entire quality of it that the sacrifice of his years will be found to have availed. Even for the uninstructed reader, careless of foot-notes, it will not have been made in vain."

The copious references in the foot-notes will be of great value to those who may seek additional knowledge on any of the topics of the text which are of more than passing

importance and interest, and in facilitating verification. The brief biographical sketches of the persons of note mentioned in the text, which also occur in the convenient form and position of foot-notes, will be found of great convenience and interest to both reader and student, and the portraits of the most important of these personages, and all well executed, are not only a very attractive feature of the work, but their procurement and preservation in the history is a rare achievement and one of inestimable value. This magnificent picture gallery comprises portraits of all of the territorial governors, five in number; all of the secretaries, three in number; all of the twelve judges of the territorial courts; all of the five delegates to Congress; nearly all of the members of the first legislature, every one obtainable, and many of the members of the second legislature; and a large number of the early settlers. It is doubtful that any other state has as nearly complete a set of the portraits of its pioneer public men as is contained in this Nebraska collection, for the reason that the special business of procuring them, for this history, was begun here much earlier than in other states.

It has required indefatigable and persistent effort to obtain this class of portraits and biographical data, and if the search for them had been postponed but a year or two, in many cases it would have been fruitless. Some day the people of Nebraska must become indebted to this History for the originals from which they will cause enlarged copies to be taken and hung in the public offices of the state and grouped in an appropriate public gallery which will no doubt be provided for them.

It is due to Messrs. Morton and Miller for me to say that the work of the text, or history proper, its faults and its foibles, which I fear may be many, and its fictions, which I trust are few, is my own, in conception and execution, and it has been done entirely free from outside dictation or suggestion, except where the latter has been invited.

The second volume treats fully of territorial banking, including the notorious wildcat banking, slavery in Nebraska, building the Union Pacific railroad, Mormons in Nebraska, territorial military history, the territorial industrial products and newspapers, and the early history of church denominations and fraternal organizations. This volume will also contain a comprehensive account or story of the Indian occupation of the Nebraska country, including the relations of the various tribes with one another and with the white settlers. This important topic will in the main cover new ground; for while much has been written about the characteristics and location of the tribes in question, no general related and connected account of them has yet been published. This account is based very largely upon the voluminous and minute reports of the local Indian agents and their superior officers in the Indian department, and is therefore characterized by originality and authenticity. This part of the work is separated from the more fundamental treatment of the Indian occupancy in the beginning of the first volume in accordance with the general expansion of the original plan of the History, under which there was not time or space for the more detailed treatment.

It was long ago said that the historian should be "blessed with leisure and easie fortune," and the undertaking to put out an adequate and creditable history of a new state where these prime requisites are wanting was premature. The fact that few of our oldest and richest states have histories as complete or as creditable as this history of Nebraska is therefore largely due to the unusual enterprise of Messrs. North and Paine, and has involved the serious self-sacrifice of all who have been immediately concerned in its production.

Too much credit can not be given to the publishers, especially the late Jacob North, whose faith in the success of the enterprise and in the willingness of the people to sustain it never wavered. After his death, and the immediately subsequent destruction of the

plant of Jacob North & Co. by fire, the project might easily have been abandoned. But the reorganized firm at once resumed operations and, with the active cooperation of Mr. C. S. Paine, prepared to broaden the scope of the work and push it forward to publication. During the subsequent years, in the face of much unjust criticism, and at times confronted by almost insurmountable obstacles, they have never faltered in their efforts to carry out the purpose of the elder North to publish a creditable history of Nebraska.

ALBERT WATKINS.

Lincoln, 1905.

# PUBLISHERS' NOTE

The Publishers desire to offer their sincere acknowledgments to the loyal and public-spirited citizens of Nebraska who, by their cooperation, have made possible the completion of this work according to the original plans of its projectors. An effort has been made to eliminate the objectionable features of similar publications, with what success we leave the reader to judge.

The biographies and portraits of those men and women who are entitled to such recognition have been included where it has been possible to secure data and photographs, without pecuniary consideration, except that those who were deemed worthy of representation and were able to pay for a better engraving than the publishers could afford have been permitted to arrange for such engravings, paying only the expense thereof. Individual opinions may differ as to who should be represented in a work of this character, and while we have doubtless made mistakes, we have not been influenced by financial considerations in any case. In the preparation of the history, wherever we have found one who has seemed to stand out among his fellows in a conspicuous manner, we have made every possible effort to secure such personal data regarding his career as would serve to give the reader an insight to his character, and also to present a faithful portrait of the subject.

Our thanks are due to the following associations and individuals for their cooperation in the labors and research involved in this work, covering as it does a wide field of investigation:

Nebraska State Historical Society.—Henry T. Clarke, president; Howard W. Caldwell, secretary; Jay Amos Barrett, curator and librarian; Addison E. Sheldon, director of field work; Elmer E. Blackman, archeologist. Historical Department of Iowa, Charles Aldrich, curator, Des Moines, Iowa; Missouri Historical Society, Miss Mary Louise Dalton, librarian, St. Louis, Missouri; Kansas Historical Society, George W. Martin, secretary, Topeka, Kansas; Omaha Public Library, Miss Edith Tobitt, librarian; State University Library, James I. Wyer, librarian, Lincoln, Nebraska; A. D. McConihe, New York; Elyria (Ohio) *Democrat*, F. S. Reefy, editor; Basil S. Ramsey, Plattsmouth, Nebraska; Moses H. Sydenham, Kearney, Nebraska; Charles B. Horton, district superintendent Western Union Telegraph Company, Omaha, Nebraska; Mark M. Coad, Fremont, Nebraska; Capt. Silas T. Leaming, Decatur, Nebraska; Capt. Henry E. Palmer, Omaha, Nebraska; James R. Porter, Haigler, Nebraska; Henry C. McMaken, Plattsmouth, Nebraska; Gen. G. M. Dodge, New York city; Hiram P. Bennet, Denver, Colorado; James Sweet, Kansas City, Missouri; Robert C. Clowry, president Western Union Telegraph Company, New York city; Col. R. T. Durritt, Louisville, Kentucky; Judge Eleazer Wakeley, Omaha, Nebraska; Nathan P. Dodge, Council Bluffs, Iowa; C. G. Coutant, editor History of Wyoming, Sheridan, Wyoming; Judge David McCullouch, Peoria, Illinois; Nebraska City *News*—Otoe C. Morton and Charles M. Hubner; John Nordhouse, New York city; Pierre Chouteau, Jr., St. Louis, Missouri; Judge J. H. Broady, Lincoln, Nebraska; Robert Harvey, Lincoln, Nebraska; Major H. M. Chittenden, Sioux City, Iowa; Professor Melvin R. Gilmore, Cotner University, Bethany, Nebraska; Olin D. Wheeler, editor Trail of Lewis and Clark, St. Paul, Minnesota; Peter Koch, Boseman, Montana; C. E. Johnson, Salt Lake, Utah.

The cooperation of all those named has been so cordial and so helpful that it seems a poor return barely to mention them by name, but all so mentioned will understand that only want of space prevents a more definite and personal acknowledgment.

Our indebtedness to others is acknowledged in connection with their contributions, particularly in the case of special contributors, who are also named on the editorial staff. Many proffers of assistance have been made by others of which we have not yet been able to avail ourselves.

In this connection should also be noted the cooperation of the railroad managers of Nebraska, who have made it possible to cover fully, in the search for historical data, not only Nebraska, but all contiguous territory. Among the more important of these roads are the Burlington and Missouri River Railroad in Nebraska, the Union Pacific, Chicago and North-Western, Missouri Pacific, Illinois Central, and the Wabash.

So many valuable historical papers have been received from so many sources, treating of such a variety of subjects, that it has been decided to group such of these as can be used under an appropriate head in a later volume.

An especial effort has been made from the beginning to correct errors heretofore appearing in proper names, and to give names in full wherever possible to do so. To this extent we have taken the liberty of correcting quoted articles, adding Christian names and correcting spelling of proper names wherever they were known to have been misspelled. In this critical work it is too much to hope that no errors have been made, but we are at least conscious of having exercised the most painstaking care.

In the arrangement and classification of biographies, we have, wherever possible to do so, included these sketches as foot-notes in that part of the history where they most appropriately belong. Where this could not be done, on account of their length or for any other reason, we have arranged them in alphabetical order in a separate chapter at the close of each volume, and by volumes in the order of date of settlement in Nebraska.

A minute and exhaustive index of subjects, persons, and events will find place in the final volume. Until its completion the detailed table of contents will be found very serviceable in lieu of the index.

The appendix matter, which should properly have been included in the first volume, has been assigned to the second, where more space was available.

PUBLISHERS.

# CONTENTS OF VOLUME I


CHAPTER I

Natural conditions, traditional, fanciful, and authentic, 1–3; Geology, 3–7; Archeology, 8–12; Climatic conditions, 12–17; Plant life, 17–28; Animal life, 28–30.

CHAPTER II

Aboriginal occupants, 31–44; Coronado's expedition, 45–48; Explorations of Mallet brothers, 48; Lewis and Clark expedition, 49–55; Lieut. Zebulon M. Pike's explorations, 55–56; Crooks and McLellan, 56; Astorian expedition, 57–58; Yellowstone expedition, 59; Long's first expedition, 65; Frémont's expedition, 61–64; Manuel de Lisa, 64–66; Logan Fontenelle, 66–67; Peter A. Sarpy, 70–72.

CHAPTER III

Early travel and transportation, 73–74; Oregon Trail, 75–92; Overland Mail, 93–95; Pony Express, 96–99; River navigation, 99–104; Freighting, 105–11; Territorial roads, 112–16.

CHAPTER IV

LOUISIANA PURCHASE—Extent and cost, 117–18; Negotiations, 118–22; Attitude of statesmen, sections, and Congress, 123–25; Specific boundaries, 125–26; First government, 127; Transfer, 128; Territory of Louisiana, 128–30.

CHAPTER V

Status of slavery question, 131–32; Missouri Compromise, second Compromise, 133–35; Stephen Arnold Douglas, 135–36; Richardson bill, 137–40; The Dodge bill, 140–41; Kansas-Nebraska bill, 141–45; Provisional government, division of Nebraska, 141–53; Estimate of Douglas, 153–56; Proposed boundaries compared, 157–58; Organic acts compared, 158–59.

CHAPTER VI

The first governor, 160–64; Initial population, rival towns, 164–68; Organization proclamations, 168–76; Election precincts, 176–77; First capital controversy, 177–87; First congressional election, 187–90; Quincy colony, 190–91; Governor Burt's appearance and reception, 191–92; Tribute to pioneer founders, 192–93.

CHAPTER VII

Organization and characteristics of the 1st legislature, 194–211; Gov. Mark W. Izard, 211–13; Locating the capital, 213–22; Presbyterian mission, Bellevue 222–23; Laws of the first session, 223–28 and 236–44; First United States surveys, 229–31; Claim clubs, 231–36; Nebraska's peculiarity, 245; Misnamed places, 246–48; First Independence day, 248–49; First Thanksgiving day, 249–50; Judicial organization, first terms of court, 251–55.

Chapter VIII

Second census of Nebraska territory, 256; Second election, 256–57; 2d legislature, 257–87; Second congressional campaign, 288–90; Political conditions, 291–92.

Chapter IX

The 3d legislature, 293–307; Repeal of the criminal code, 302–5; Third congressional campaign, 308–9; General election, 309–10; Resignation and estimate of Governor Izard, 311–13; Gov. William A. Richardson, 313; 4th legislature, 313–35; Florence secession, 322–35; Death and estimate of Governor Cuming, 337–40.

Chapter X

First political conventions, 341–47; Postponement of land sales, 347–49; 5th legislature, 350–70; First territorial board of agriculture, 359; Resignation of Governor Richardson, 371–76.

Chapter XI

Land sales, 377–78; Half-breed tract, 378–82; Survey of base line and erection of monument, 381–86; Appointment of Governor Black, 383–86; General surveys, 386–89; First territorial fair, 387–93; Chapman-Ferguson contest, 395–96; Annexation to Kansas, 396–406.

Chapter XII

The territory under party organization, 407; Nomination of first territorial democratic ticket, 407–10; First territorial Republican convention, 410–11; First party campaigns, 411–12; Daily-Estabrook contest, 412–15; 6th legislature, 415–22; death and estimate of Fenner Ferguson, 422.

Chapter XIII

Statehood election, 423; Republican territorial convention of 1860, 425–30; Democratic convention of 1860, 430–34; Congressional campaign of 1860, 434–40; 7th legislature, 440–45; Census of 1860, 445; Morton-Daily contest, 445–56; Departure of Governor Black, an estimate of his character, 456–58; Appointment of Governor Saunders, 459; Military affairs, 460–62; Election of 1861, 462; 8th legislature, 463–68; Congressional conventions of 1862, 468–72; Congressional campaign of 1862, 472–73; No legislative session in 1863, 473–74; Territorial election, 1863, 474.

Chapter XIV

Ninth legislature, 476–82; Constitutional convention of 1864, 482–84; Democratic territorial convention of 1864, 483–84; Union party movement, 485–88; Union congressional convention 1864, 489–91; Democratic congressional convention 1864, 492; Congressional election of 1864, 493; 10th legislature, 493–98; Reappointment of Governor Saunders and appointment of Chief Justice William Pitt Kellogg, 498; Republican territorial convention, 1865, 498–99; Democratic territorial convention of 1865, 499–503; Election of 1865, 503; Politics in 1865, 501–5; 11th legislature, 505–11; First state constitution, 511–16; Union territorial convention, 1866, 517–19.

Chapter XV

Democratic convention of 1866, 520–21; First state election, 521–27; Rock Bluffs contest, 527–36; President Johnson and the office holders, 537–39; Union territorial convention of 1866, 539–42; Democratic convention of 1866, 543–44; Congressional campaign of 1866, 545–47; Provisional state legislature, 547–50; 12th and last territorial legislature, 550–59; The negro suffrage condition, 559–70; 2d state legislature, special session, 570–73; Admission of Nebraska, 573.

Chapter XVI

Biographical sketches of pioneers, in alphabetical order, 575–781.

---

For detailed index of places, persons, and subjects see last volume.

## ERRATA

Page 65, column 2, foot-note 2, "p. 62" should be "p. 71."
Page 66, column 1, foot-note 1, "p. 62" should be "p. 71."
Page 66, column 1, foot-note 2, "p. 63" should be "p. 72."
Page 67, column 2, foot-note 2, "p. 63" should be "p. 72."
Page 67, column 2, foot-note 4, "p. 63" should be "p. 72."
Page 141, column 1, between lines 4 and 5, supply: "of the Louisiana Purchase lying north of latitude 36° 30′, except the states of Iowa and Missouri and".
Page 214, table, column 11, line 1, "187" should be "137"; same column, first total "591" should be "491"; same column, last line, "608" should be "508."

# HISTORY OF NEBRASKA

## CHAPTER I

NATURAL CONDITIONS, TRADITIONAL, FANCIFUL, AND AUTHENTIC—GEOLOGY—ARCHEOLOGY —CLIMATIC CONDITIONS—VEGETATION—FAUNA

IN the long run physical environment, such as soil, climate, and topography, shape the man and the society; but human character and social propensities, formed in older states and in other and older countries, have been transplanted into this new state, and, while, according to a marked American instinct or characteristic, the people have been quick to adapt themselves to a somewhat important change of conditions, yet the time during which they have been subject to them has been too short appreciably to change their character or social aspect. If they had only the richest and most easily tillable soil in the world to conjure with, this might tend to breed mental and esthetic dulness; but they have been saved from this influence by the rarefied and bracing atmosphere, by the sunshine in which they are almost perennially bathed, as well as by certain adverse climatic conditions which challenge their vigilance and ingenuity. While the people of the plains have missed the comforting companionship of brooks and hills and groves, whose friendly presence sustained the courage and inspired the esthetic sense of the settlers of the Mississippi valley, yet these plains have a beauteous aspect of their own which often inspired the limning pen of Irving and engaged Cooper's romantic eye. The illimitable expanse of landscape, the unrivaled beauty of morning and evening lights and shades, the marvelous clearness of the air, however monotonous, do not fail to excite the esthetic sensibility and widen the spiritual vision of the people.

But when Irving undertook to estimate the material value, and to picture the future usefulness and development of this vast prairie empire, he looked with blindfold eyes and painted a dismal black:

"It is a land where no man permanently abides. . . . Such is the nature of this immense wilderness of the far West, which apparently defies cultivation and the habitation of civilized life. Some portions of it along the rivers may partially be subdued by agriculture; others may form vast pastoral tracts like those of the east; but it is to be feared that a great part of it will form a lawless interval between the abodes of civilized man, like the waters of the ocean and the deserts of Arabia; and like them be subject to the depredations of the marauders."[1]

And then, as this polished poet-historian continues to contemplate the lugubrious prospect, his style, in general the refinement of grace, dignity, and self-control, breaks into an almost grotesque delineation of the fate of a land which was destined within the space of a man's life to become "the home, the portion fair" of nearly ten million prosperous and happy people. And Cooper, the leading romanticist of that day, observes in The Prairie that the plains are "in fact a vast country incapable of sustaining a dense population in the absence of the two great necessities"—wood and water. This great story-teller

[1] Astoria, pp. 258-59.

affected a knowledge of geology, but it was not profound enough to penetrate to the inexhaustible sheet of subterranean water which, fed by the eternal snows of the Rocky mountains, is coextensive with the great slope between these mountains and the Missouri river and within easy reach of the modern and post-Irving-Cooper windmills which now dot these plains in such profusion that they would set a whole legion of Don Quixotes in simultaneous frenzy. Nor could the lively imagination of these great romancers foresee the practicability of the substitution for the lacking wood of the great deposits of coal in the adjacent mountains and underlying a large part of these vast plains, because railroad transportation was beyond Irving's ken or fancy and Cooper's practicable view. As to this, Cooper skeptically remarks: "It is a singular comment on the times that plans for railroads across these vast plains are in active discussion, and that men have ceased to regard these projects as chimerical."

ARIKAREE FALLS

Ten miles east of Valentine, Neb., fed by Sand Hill springs and leaping over a wall of Arikaree sand rock. First plunge, 85 feet; second, 15 feet. These are the loftiest falls in the state.—Morrill Geological Expedition, 1900.

And Long, in the story of his expedition of 1819, gives the following hopeless characterization to the Nebraska plains, which, in their easterly portion at least, for prolific production of live stock and of the forage which sustains them, including the staple cereals, and for ease of cultivation and lasting fertility, excel any other region of so large an area in the world:

"The rapidity of the current [of the Platte river] and the great width of the bed of the river preclude the possibility of any extensive inundation of the surrounding country. The bottom lands of the river rise by an imperceptible ascent, on each side, extending laterally to a distance of from two to ten miles, where they are terminated by low ranges of gravelly hills, running parallel to the general direction of the river. Beyond these the surface is an undulating plain, having an elevation of from fifty to one hundred feet, and presenting the aspect of hopeless and irreclaimable sterility."

Logically Long's conclusion as to the hopeless sterility of the plains of the Platte should be an inference from the misstatement of fact by Marbois, made as late as 1830, in his history of Louisiana (p. 350): "On the two sides of the river 'Plate' are vast plains of sand from an hundred to an hundred and fifty leagues in extent where no indication of living creatures is to be found." The ignorance of Marbois is not as inexcusable or remarkable as the lame logic

of Irving and Long, for the abundance of wild animals with which they perceived the plains were stocked should have suggested to them that the region would be peculiarly adapted, under cultivation, for the sustenance of domestic animal life.

When some phenomenon which may have been an eternal fact or is a manifestation of an eternal law of nature, but which has been hidden from our imperfect understanding, is, from the changing point of view or in the natural course of events, suddenly revealed, we call it Providence. And so this vast hidden reservoir of water and the man-wrought miracle of the steam railroad, which opened the way for the waiting millions, were the Providence of these plains. Because Irving and Cooper and their compeers failed mentally or physically to penetrate to the one and to divine the coming kingdom of the other, they consigned the whole region to the doom of eternal desolation. God indeed moves in a mysterious way his wonders to perform. This "wilderness which apparently defies cultivation and the habitation of civilized life" is the granary as well as the shambles of the world. Of two typical states—Iowa and Nebraska—which cut through the heart of the plains, the first is the imperial agricultural commonwealth of the richest farming country of the world, and in the production of the great food staples the other lags but little behind.

PINE RIDGE

North face of Pine Ridge at Warbonnet canyon looking north across the Hat creek basin toward the Black Hills outlined in the distance. The pine covered cliffs are Arikaree formation. The white patch in the distance is the Brule clay of the Little Bad Lands, Sioux county, Nebraska. Beyond the Brule clay the Pierre formation begins.—Photograph, Morrill Geological Expedition, 1895.

During incalculable numbers of centuries there was a like providential preparation on the surface of these plains of the richest soil in the world to cover so wide an area.

## GEOLOGY[1]

From a geological standpoint Nebraska doubtless stands as the most distinctly agricul-

[1] For this description of the geology of Nebraska we are indebted to Erwin Hinckley Barbour, Ph.D., professor of geology in the University of Nebraska; state geologist and curator of the state museum.—(Ed.)

tural state in the Union, yet it is not without other resources of economic importance. Its rocks are undisturbed sediment, and its geology is apt to be regarded as simple in the extreme and its topography as that of an undiversified plain; but investigation shows the state to be diversified and interesting and even startling in the boldness of certain physiographic regions. The altitude varies from a general level of about a thousand feet along the Missouri river to that of over five thousand feet some four hundred miles further west in inches with an evaporation of six feet. The geology of Nebraska is seemingly complex, chiefly because the strata are so deeply buried that they are not exposed for study. First, the strata sag or dip to the west, not appearing again until the flanks of the Rocky mountains are reached, thus forming a deeply buried trough. Second, the beds are covered by loose surface materials which are very distinct and generally recognized as bluff deposit or loess, glacial drift, and sand-hills. All of the southeastern half of the state is

BAD LANDS

Bad Lands of Brule formation (Oligocene) two and a half miles west of the Burlington & Missouri railway station at Adelia, Sioux county, Nebraska, looking northwest.—Photograph, Morrill Geological Expedition, 1895.

the state. At this distance the prairie lands of the eastern portion, which are sometimes level but often rolling, begin to merge into the tables and lofty buttes of the western edge of the state. The climatic conditions vary somewhat with the distance westward, and are comparable with those of Ohio and Indiana. In general the atmosphere is dry and considered quite as favorable to health and longevity as the more famous air of Colorado.

The rainfall of the eastern portion is about twenty-three inches and the evaporation four feet, while the precipitation of the western portion may fall as low as twelve to fifteen covered more or less deeply by loess, which is a sandy loam of glacial origin of a light yellow color and of inexhaustible fertility. The northwestern half is covered largely by sand-hills resulting from the action of wind in transporting and piling up the disintegrated sand of Tertiary rock. The loess being as thick in many places as one hundred feet, and the sand-hills as thick as three hundred, it is plain that Nebraska rocks are concealed, and that they are not to be found except where streams have trenched the superficial beds.

Along the streams of southeastern Nebraska the limestones are found, which are

well known because they are extensively quarried. These belong to the Coal Measure or the Carboniferous age, the oldest rock in the state. Though rich in beds of limestone and productive beds of valuable clays and shales, our Carboniferous rock is poor in coal, the best seam being scarcely more than eighteen inches thick and encased in tenacious shale. Exposures of Carboniferous rock are common along the streams in Richardson, Pawnee, Nemaha, Johnson, Otoe, Cass, Sarpy, Douglas, and Washington counties, and in scattered patches as far west as Lancaster and Gage counties. From an economic standpoint this is the most important geologic formation in the state, since it yields the limestone for lime, rubble, riprap, building, smelting, and sugar refining, flint for ballast, as well as enormous amounts of excellent clay for brick, tile, and terra cotta.

The Carboniferous is lost west of Lincoln by dipping under beds of the Cretaceous age, and by sinking several thousand feet before again coming to the surface in the mountains. If the state could be divested of its great mantle of soil and sand, Cretaceous clays and shales would predominate. As it is, they occur in widely scattered patches along the courses of streams.

Though enormously thick and broad in extent, our Cretaceous rock is known by small and very local patches. The oldest Cretaceous layer, the Dakota, being the water-bearing bed, is the best known as well as the most important. It consists largely of rusty sands and beds of clay which may be traced from Jefferson county northeast to Dakota county and beyond. Economically, this formation of sparsely exposed rock is of the greatest importance to the plains, yielding excellent water, including artesian water, building stone (which, though ocherous and soft, is often put to use), and beds of superior clay, which furnish brick of all desired colors and kinds. It also furnishes a large amount of sand for building purposes, and, from a layer near its base, the best gravel in the state. Overlying the Dakota is the Benton Cretaceous, consisting essentially of a white layer of chalk rock overlying a layer of black shale. It may be traced along the Republican river from Harlan county to Hebron, Endicott, Milford, Niobrara, and westward along the Niobrara river to Boyd county. Economically this layer may become important. The chalk rock is quarried for lime and building purposes. Being very soft when "green," it is commonly cut into proper shape with ordinary

SCHLEGEL RAPIDS AND FALLS

Southwest of Valentine, Cherry county, Nebraska, in the Arikaree formation. Plunge, about 12 feet; width, about 50 feet.—Morrill Geological Expedition, 1900.

hand-saws, and, after drying and hardening, is laid up with mortar in the usual way. In this layer is found also an undeveloped resource of great promise, inasmuch as the chalk rock, when properly tempered with the shale, gives a hydraulic cement of excellent quality. Next above the Benton comes the Pierre formation, ordinarily spoken of as Pierre shale because it consists essentially of shale throughout its extent. In western Nebraska it attains a thickness of several thousand feet. Though broad in extent, it is seldom seen save where exposed by the cutting of some river; and, though four thousand to five thousand feet thick, it presents nothing of commercial importance, being destitute of water, gas, oil, coal, building stone, or anything else of economic value. At least two-thirds of the state consists of Pierre shale, though covered from general view.

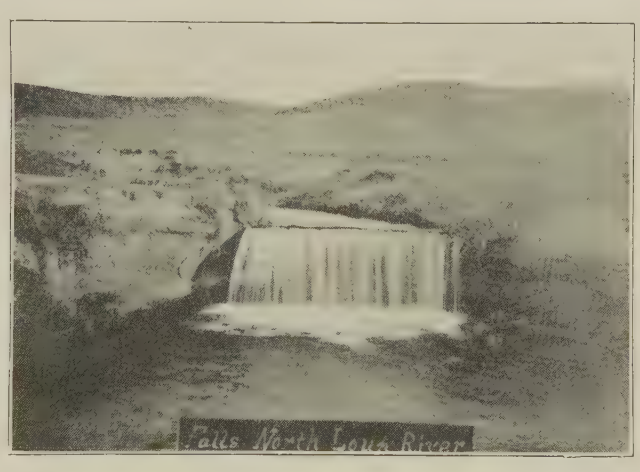
Next above the Pierre come the Tertiary beds, which may be divided into a lower clayey layer eight hundred to one thousand feet thick known as the Bad Lands (Oligocene), and an upper layer five hundred to six hundred feet thick known as the butte sands (Arikaree, Miocene). Like the Pierre, the Bad Lands are without natural resources of the least economic value, save the valuable fossils, in digging and collecting which a considerable number of men are employed. It is necessary constantly to remind the general public that Bad Lands is a misnomer. They are not bad in the sense of sterility; but to drive over they are bad beyond question, being cut and washed into deep gullies and lofty pinnacles. There is a magnificence and grandeur about the Bad Lands which must attract tourists when suitable accommodations and comforts shall be provided. These beds, consisting essentially of marly clays of fresh-water origin, are peculiarly rich in vertebrate fossils and are the classic collecting grounds of America. Where the wash is not excessive the Bad Lands come readily under cultivation, being fertile and productive; but seen as they are by the average tourist, destitute of water and living things, trenched, bare, and baked, they seem to typify desolation and waste. Continuous with, and rising high above the Bad Lands are the butte sands of Arikaree formation.

TOADSTOOL PARK, SIOUX COUNTY BAD LANDS
Two miles west of Adelia on the Burlington & Missouri River railroad.—Morrill Geological Expedition, 1895.

All of western Nebraska has a general altitude approaching five thousand feet, and here the magnificent buttes and tables add diversity and beauty to the landscape. Here also thousands of pine trees flourish and are the chief natural resource of this formation. Being sandy, it is productive of pure water, and its grazing lands are of the best. It lends itself to profitable and easy cultivation, especially where irrigated. In many places in southwestern Nebraska a still younger formation rests upon what is known as the "magnesia" or mortar beds (Ogalalla). All of the remaining beds are still more recent in time and consist of unconsolidated materials. The sand-hill region, which covers the northwestern half of the state, is derived from the disintegration of Tertiary sands and their subsequent transportation by the wind. In the early history of the state, when herds roved unrestricted over the plains, and when prairie fires were unchecked, the bare sands became shifting sand dunes, and grass, underbrush, and trees were destroyed, and the region presented the appearance of a desert, as it was then supposed to be. Now some of the best ranches, hay lands, and grazing lands are to be found in the heart of the sand-hill country. The southeastern half of the state is covered, from a few feet to one hundred feet or more in depth, with a fine, light yellow loam of great fertility, known as the loess, or bluff deposit, from its habit of standing in vertical walls. Economically this constitutes the basis of the agricultural greatness of Nebraska. The eastern fifth of the state has a thin layer of glacial drift under the loess. West of Seward county evidence of glacial drift ceases. The material composing our drift is clay, gravel, sand, boulders of granite, green stone, and the like from distant northern points, but more especially pink boulders of Sioux quartzite from Sioux Falls, South Dakota. This formation is of little economic value, although its boulders, some of which are as much as twenty feet in diameter, are utilized to some extent for foundations and other building purposes.

The youngest deposit in the state is the alluvium of our streams, useful chiefly because of its great fertility, and because it furnishes material for making a fair grade of brick where good clays are wanting.

The known minerals of the state are of interest mineralogically rather than economically. Gold, native copper, meteoric iron, terrestrial iron, iron pyrite, marcasite, limonite, magnetic iron sand, pyrolusite, selenite, barite, celestite, calcite, agate, chalcedony and turquoise are among the minerals recorded for the state. Among the mineral resources already developed or of probable utility are ocher, peat, bituminous coal of the Carboniferous, lignite coal of the Cretaceous, diatomaceous earth, natural pumice or volcanic ash in extensive beds, enormous amounts of clay, limestone, sand, gravel, flint, and material for manufacture of hydraulic cement.




FALLS OF THE NORTH LOUP RIVER
Plunge about 12 feet, width 40 to 50 feet.

The preparation of the geological history of a state requires the closest inspection and study of past and present conditions in every quarter of it; and already it may be predicted with certainty that many of the natural resources of Nebraska, when they become better known, will be developed to such an extent that its present boasted agricultural products will not be its only source of wealth.

## ARCHEOLOGY[1]

The geographical position of Nebraska, situated as it is between the Missouri river on the east and the great Rockies on the west, is conducive to a complicated and interesting archeology, as well as geology, fauna, and flora. We find the Stone Age implements distributed along the waterways so abundantly that we may readily conclude that primitive man gradually worked his way over the entire state by following the streams. The archeology of the state can be determined only by the implements. The quantity of Stone Age material found naturally divides itself into three classes. While these three classes overlap each other in many cases, yet every implement may be readily placed in one of them. These classes may be subdivided, it is true, but in that subdivision some one implement will be found which is doubtful, and at this stage of the study, lines of demarcation point out but three distinct classes. The first, or most primitive class, is found, without pottery intermixed, along the Blue river and in the southeastern portions of the state. The second, or intermediate class, consists of chipped implements of massive size, found along the Elkhorn and Missouri rivers; they are abundant in the northeastern part of Kansas as well. A few have been found along the Platte river. The third class (which may be subdivided most easily) consists of chipped flints showing fine workmanship; and abundant potsherds, some beaten copper ornaments, and a few "ceremonials" are intermixed. The houseform, or lodge circles, may be studied with this class, and are most abundant along the Platte and its tributaries.

It should be borne in mind that these three classes of Stone Age implements may belong to one people—that they may only represent a single tribe in its evolution from barbarism to semi-civilization; or they may belong to twenty or more tribes having no ties in common. Only years of careful study and comparison can settle that question, if, indeed it can ever be definitely settled.

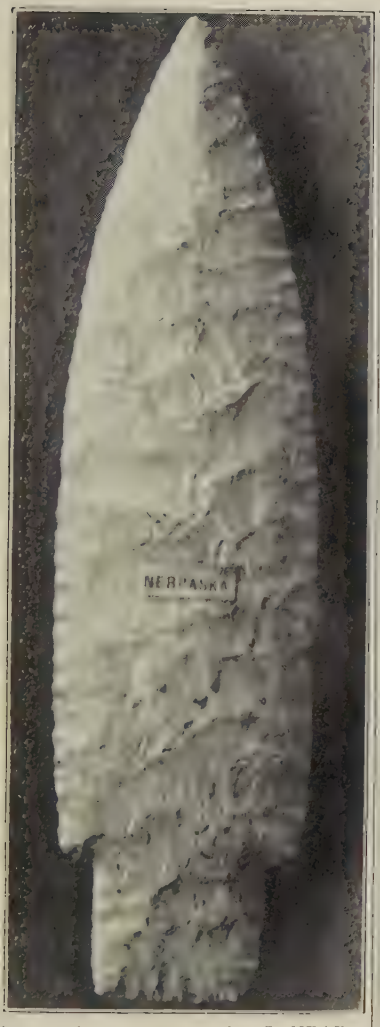
It should be borne in mind also that primitive man used stone implements entirely. The aborigine wandered over this state before the Bronze Age; in fact, there are no known indications that there ever was a Bronze Age in Nebraska.

One of the three following propositions is true, either wholly or in part: first, the aborigine was extinct before civilization came to this continent; second, the Amerind,[2] with implements obtained from the whites, drove out the aborigine; or, third, he was, himself, supplied with implements of civilization and is now counted an Amerind. Archeology has to deal with prehistoric man, the man who used the implements of the Stone Age, and when this aborigine has developed into an Amerind, ethnology takes up the study where archeology leaves off. If the aborigine frequented a spot there was certainly a reason for so doing. Let us examine the conditions that would entice the primitive Stone Age man. The white man cultivates the soil and produces his subsistence, but the aborigine followed the chase and supplied his wants direct from nature; to do this he must have flint or some kind of stone from which to make his implements. Flint is the most available material for this purpose, as it possesses the property of conchoidal fracture, as well as great toughness, very desirable in stone-cutting implements.

The southeastern part of the state contains flint nodules imbedded in the limestone ledges; the watershed of the Republican river contains a brown flint or jasper in strata; the northeastern part, along the Niobrara river, has a green quartzite which chips easily. Most of the chipped implements of the state are made from one of these kinds of stone; we may therefore conclude that this natural deposit of implement-making material largely influenced the aborigine in his choice of location. The numerous running streams and

[1] For this description of the archeology of Nebraska we are indebted to Mr. E. E. Blackman, archeologist of the Nebraska State Historical Society.–(Ed.)

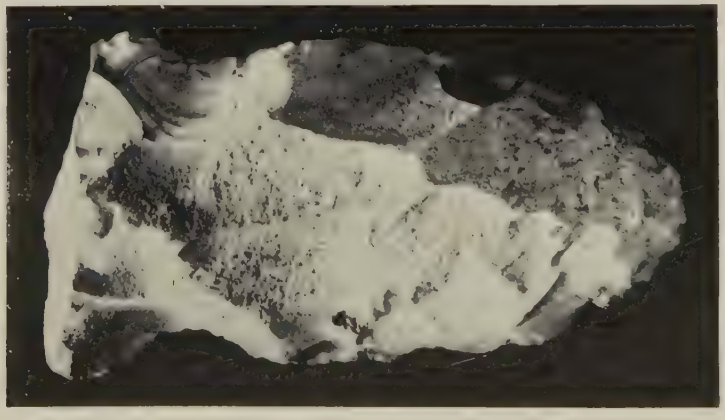
[2] The term Amerind is coming into general use among archeologists and scientific men as a short and appropriate designation of the American Indian.–(Ed.)




FLINT SPEARHEAD FOUND NEAR
BLAIR, NEBRASKA

FLINT IMPLEMENTS OF NEBRASKA

HEMATITE BUST FOUND NEAR
LINCOLN, NEBRASKA



FLINT TOMAHAWK FOUND NEAR WYMORE, NEBRASKA,
BY JAMES CRAWFORD

the proximity of the buffalo plains, together with an abundance of small game, doubtless helped to make eastern Nebraska a favored place for the aborigine.

The Blue river valley is strewn most abundantly with the earliest type of Stone Age implements. They are found on the high points of land which overlook the Blue river, and are usually not far from a water supply. The material used for these rude implements was found near at hand. As far as the Blue valley has been explored (from Beatrice to the state line on the south) there are imbedded in the limestone which rests near the water line many nodules of blue chert or flint. The quality of this material is much better than that of the chert ledges farther south in Kansas, but the nodules are not so abundant and are much harder to procure. In making the implements it is evident that the work was done by beating the edge with another piece of rock until the desired shape was obtained. The edges are blunt and the implements very rude. Many fragments of flint are found with very sharp edges left by the fracture, showing that cutting tools, having sharp natural fractures instead of having been artificially chipped to a cutting edge, were used.

From the Blue river eastward to the state line many high points of land have a few of the chips of blue chert mixed with the soil, showing that aboriginal man once had his camp there. But the most pronounced evidence of this first or lowest stage of the Stone Age is found near the mouth of the Weeping Water; at that point one may draw a circle five miles in diameter with the town of Nehawka well to the southeast side of this circle, and he will enclose a vast area of quarry pits made by prehistoric man.[1] The exact surface area of these pits has not been measured, but they cover many acres.

Mr. Isaac Pollard, who owns some of the land upon which the pits are found, made an excavation through one of them. The trench is eighty feet long, six feet wide, and from ten to twelve feet deep. This trench has its floor on a solid ledge of limestone, which is the fourth ledge from the top. The trench, as dug from the hillside surface back to the edge of the pit on the brow of the hill, terminates at a solid, perpendicular wall. Here appear marks of discoloration caused by fire. Quantities of charcoal and ashes were found at the base of the wall and scattered throughout the debris which the trench passes through for half its length.

At the beginning of the trench, some forty feet above the water level and a hundred feet from the bed of the Weeping Water, broken rocks and quarry debris were found for a few feet, then the trench passed through a bank of earth and stratified rocks that had not been moved. This bank is sixteen feet thick on the floor of the trench. After this comes a mixture of spalls, broken rocks, and soil intermingled. This debris appeared to have been thrown out in layers resting at an angle of about forty-five degrees with the level of the floor. It is loosely packed in places, while here and there is a very closely packed stratum of brown clay filled with flint spalls and bits of limestone; it has every appearance of being well tamped, and is hard to dig through.

The most abundant material in the debris is broken lime rocks having large fractures on them as if struck by some heavy body. Many of these rocks show the rounded matrix of a flint nodule which has been removed. The surface near the pit is strewn with flint spalls.

The first stratum, as shown in a quarry near by, is a rotten lime rock; the second is a fairly good building stone without flint nodules, and at the perpendicular wall where the trench ends it is from twenty-six to thirty-eight inches thick. The third stratum, which is very compact and from thirty to forty-two inches thick, contains the flint nodules, about two-thirds of the way down. These nodules are from the size of an egg to the size of a man's head, and are about twelve inches apart each way. They cleave out very readily, and leave a rounded matrix when the ledge is broken up.

[1] See report of Archeologist in Annual Rept. State Board of Agri., 1902.

No tools and no perfectly chipped implements have thus far been found; in fact, no flint upon which artificial chipping can be detected for a certainty has been found in the trench, and no pottery. A few of the first class of Stone Age implements were found in the vicinity; and a few sherds of pottery, as well as some of the third class of implements, were found in lodge circles and graves near these pits. They doubtless belonged to other people who came along the Missouri at a later date.

In this limited sketch can be given but a faint conception of the skill shown in quarrying, of the years spent in systematic labor, and of the vast numbers that must have been engaged. In one of the pits stands a bur-oak tree six feet two inches in circumference.

The second class of Stone Age implements comprises those of massive, chipped stone found along the Elkhorn and Missouri rivers. Quantities of these are also found along the Sioux river in Iowa, as well as in the northeastern part of Kansas. They are shaped like the smaller implements of class three; they are undoubtedly chipped by the pressure process, and at times show much skill in their manufacture. With them are often found the finer and smaller implements of class three.

The characteristic of these implements is their size; they are too large for use in the chase or in war, and may be classed as digging tools. On the Wright site, near Genoa, these massive implements are abundant in a field near the lodge circles now to be seen there, but not at the same place. It seems that the newer village site is a few rods from the old one, where the lodge circles are not plainly defined but where these massive implements are abundant. This may lead to a better understanding of this second class in time. Near the Elkhorn, where no lodge circles can be noticed, these massive implements are abundantly scattered with implements of the third class, and pottery is found there, too.

The third class of Stone Age implements is abundant in most parts of the state and consists of the finely chipped arrows, scrapers, and spears in use by the Indians when early hunters and trappers first came among them. This class may be subdivided. Every tribe which the early trappers and missionaries visited manifested a certain individuality in their chipped flints. This difference is not easily studied from the meager data left by the early writers, and there are many stumbling blocks encountered in trying to classify them from their individuality of chipping alone.

This class is most abundant along the Platte river, where the lodge circles are most plainly defined. These lodge circles antedate the traditionary knowledge of the Amerind, but are so similar to the ruins left by the recent tribes that we can but connect the two as the product of the same people. In many cases we know that these ancient ruins were abandoned before contact, even indirectly, with whites, as the red man prized so highly the arts of the whites that he adopted them on sight. There is not the slightest trace of such contact, and we may safely conclude that there was none, and therefore this latest class is properly a study in archeology. A lengthy description of these implements may not find room here, but the Nebraska State Historical Society museum illustrates the three classes in question.

It is true in a limited degree only that we may judge the people by their pottery. The potsherds found in Nebraska are mainly of three kinds: those having fabric impressions, those ornamented with designs drawn on the plastic clay, and a poorer quality of more recent manufacture. The first two are black, feebly burned, and tempered with quartz, pebbles, mica, and pieces of pottery crushed. The last is often very red, having been burned more severely; it is tempered with sand and at times small pebbles are found in it as well as powdered shells.

Buche[1] describes a Scandinavian pottery which corresponds in every way to this Nebraska pottery. The Scandinavian pottery was made two thousand years B. C.

[1] London, 1842.

It is evident that the first class of the Stone Age, as described above, had no pottery. It is equally certain that the third class had pottery in abundance; the second, or intermediate stage is so closely associated with both that it is difficult to say definitely what it contained. The third class had pottery of the first two kinds mentioned, and the third kind was probably brought here by some later tribe.

The study of Nebraska archeology has been in progress, in a systematic way, but little over a year, and it is perhaps venturesome to supply even these brief data. No other state in the Union offers a more fertile field. It is complicated, as the aborigine was a nomadic creature, and so many tribes of recent Indians have made these vast buffalo plains their hunting grounds that it is very difficult to follow the line of demarcation between the ruins of the aborigine and those of the Amerind. Many relics have been gathered into the Nebraska State Historical Society museum, which form the basis of this study. Many more are scattered over the state, not only in the fields and along the streams, but in the keeping of people who enjoy their possession, but who do not realize their importance in completing this branch of our history.

Twenty-four village sites have been explored and charted; while the remains of others, from walled cities whose metes and bounds are still plainly defined down to temporary hunting camps of a few tepees, are thickly scattered over the state. Of the recent village sites, or those occupied during historic days, five have been explored: the Bryant site, near Yutan; an Otoe site, where Elsworth visited the Otoes in 1832;[1] the Esty site, a recent Pawnee village, seven miles south of Fremont; the McClain site, a Pawnee site, immediately across the Platte from Fremont; the Otoe site at Barneston, and the very recent Pawnee site at Genoa. A history of these sites may be obtained from published works, so one need not resort to relics.

The most ancient, or the lowest class of the Stone Age implements, are obtained from the following sites along the Blue river: The Hollingworth site, on the west side of the Blue, two miles south of Holmesville; the Rice site, southeast of Blue Springs, on the east side of the river; the Huddart and the Henrick sites near Barneston. While a few specimens of the second or third class are occasionally found at these sites, by far the largest quantity is of the first, or lowest class.

Of the third class of the Stone Age we have a number of examples along the Platte river: The Burkett site, four miles west of Genoa; the Wright site, one mile west of Genoa; the Coffin and Larson sites, both east of Genoa; and the Fullerton site, at that town.

There are ten other sites which contain implements of two or more of the three classes named in such quantities that they can not be distinctively classified as belonging to either, but have the characteristics of both; the Roca site, twelve miles south of Lincoln; the Lowe site, five miles south of Nebraska City; the Pollard site, near the flint quarries at Nehawka; the Griffith site, just south of these quarries; the Horse Creek site, twelve miles northwest of Fullerton; the Miller site, in Antelope county near Clearwater; the Gibson site near Swedeburg; the Ithaca site, at the town of that name; the Nelson site, near Fort Calhoun; and the Wonder site, a mile north of Blue Springs. Most of the above sites have been charted, and all have been explored. There are many more Indian village sites yet to be explored.

Relics of domestic economy and of art are being gathered, which will reveal the people who used them as truly as we may read the lives of our associates in their everyday walks. Archeology may, in time, construct a true history of the race which lived, loved, and worshiped on the soil of Nebraska.

### CLIMATIC CONDITIONS[2]

It is probable that all pioneers notice more or less carefully the conditions of temperature

[1] Irving's Indian Sketches.

[2] This account of the meteorology of Nebraska should be credited to Prof. George A. Loveland, director of the U. S. Weather Bureau in the University of Nebraska.—(Ed.)

OJIBWEKA TOMAHAWKS FOUND BY WALTER RICE NEAR BLUE SPRINGS, NEBRASKA

THE ONLY COMPLETE PIECE OF INDIAN POTTERY EVER DISCOVERED IN NEBRASKA, SO FAR AS KNOWN. FOUND BY R. DEWITT STEARNS NEAR FULLERTON

and rainfall in the new region in which they are making a home. Particularly is this true if the region is popularly supposed by former neighbors and friends to have a rather inhospitable climate. Probably reasons of this nature account, in part at least, for the unusual and intelligent interest which was manifested in climatic conditions by the early settlers of Nebraska. Preceding the settlers, at least in the matter of accurate, preserved weather observations, comes the United States army. The soldiers, in accordance with the usual practice, kept weather records at the frontier army posts. The earliest of these records commenced in 1849 at Fort Kearney, and for twenty years the records at the various army posts form an important part of our knowledge of the Nebraska weather. The earliest preserved records kept by settlers commenced at Omaha in 1857, Brownville and Bellevue in 1858, Nebraska City and Fontenelle in 1859. The number of observers increased but slowly for the next twenty years, and many records are broken, or perhaps have been but partially preserved; for there was no organized attempt to encourage or to collect and preserve the results of the work of those who were carefully noting events. A leader to stimulate interest was wanting.

In January, 1878, Gilbert E. Bailey, professor of chemistry and physics in the University of Nebraska, organized the Nebraska Voluntary weather service, similar to a service organized three years earlier in Iowa, "for the purpose of collecting facts and securing an accurate and complete history of the weather of Nebraska." The organization thus formed has existed essentially the same to the present time, more than twenty-five years, and during this period there was issued, without a single omission, a monthly statement of the weather which prevailed in Nebraska. Much credit should be given to the intelligent citizens who have composed this band of workers, and especially to the "director" of the service who, particularly in the early days, contributed largely in enthusiasm, time, and sometimes money to secure the object sought. The directors were Gilbert E. Bailey, 1878; S. R. Thompson, 1878 to 1884; and G. D. Swezey, in 1884, until the work was turned over to the officials of the U. S. Weather Bureau in 1896. The continued activity of the service seems the more unusual when it is noted that but once—in January, 1884—have the workers met in convention.

The first attempt to collect the scattered records and determine the climate of Nebraska was made in 1878 by G. E. Bailey, at the time he organized the voluntary service. He charted the rainfall for the two ten-year periods ending 1867 and 1877. The results seemed to prove that the rainfall in Nebraska was increasing. Thus was advanced the theory of increasing rainfall (perhaps already in the minds of the people) with seemingly good reasons, which in the next ten years became firmly fixed as a belief in the mind of the average Nebraskan. The second attempt to present the climatic conditions of Nebraska was a more complete and pretentious "Climatology of Nebraska" printed by Samuel Aughey, professor of natural sciences in the University of Nebraska. This was a chapter in a book entitled "Sketches of Physical Geography and Geology of Nebraska." It contained many statements of supposed facts which were determined from insufficient data and which are now known to be incorrect. It included an elaborate exposition of the mistaken theory of increase in rainfall. In 1890 a comprehensive statement of the Nebraska climate was prepared by the U. S. Signal Service and printed as senate document No. 115 of the 51st Congress. The unusual weather conditions of 1894 aroused considerable interest in the climate, especially as regards rainfall. A complete summary of the rainfall records was prepared by the Nebraska Voluntary service, and was printed as bulletin No. 45 of the Agricultural Experiment Station of Nebraska. In 1895 Professor G. D. Swezey prepared an excellent survey of the climate of Nebraska for the July number of the *Northwestern Journal of Education.*

The intelligent interest of the citizen, starting with the early history of Nebraska and

continuing for half a century, has resulted in the collection of sufficient data to establish the characteristics of the climate with considerable accuracy, also to point out some of the errors of early students. There is every evidence that no permanent change has occurred in the climate of Nebraska since its occupation by man. The variations of climate observed in the half century would have occurred if the country had been uninhabited, and they are similar to those occurring in all parts of the globe. The climate of Nebraska is controlled by its location on the globe; that is, its latitude, elevation above sea level, distance from large bodies of water, and the extensive mountain ranges to the westward, with absence of such barriers to moisture-laden winds to the south and east.

The average temperature for the year varies with the latitude and elevation. It is highest—52°—in the extreme southeastern portion of the state, at an elevation of about nine hundred feet, and 2° less in the southwestern portion, at an elevation of about three thousand feet. The mean annual temperature decreases northward at an average rate of 1° for forty miles in the eastern and southern portion of the state, while in the northwest the decrease in temperature is somewhat less rapid. Along the northern boundary the average is slightly above 46°.

January is the coldest month, with a mean temperature approximately 27° below the yearly average, or with a range of from 25° in the southeast to 20° or slightly below in the north. In the very coldest days of winter the temperature falls to between 10° and 20° below zero, and on rare occasions to 30° below zero. In the northwestern portion of the state 40° or more below zero has been recorded twice in the past twenty-eight years, the coldest recorded being 47° below zero on February 12, 1899, at Camp Clarke.

July is the warmest month with a mean approximately 26° above the yearly mean, or with a range of from 78° in the southeast to 72° in the northwest. In the hottest days of summer the temperature exceeds 100°. In 1901, the hottest July recorded, the highest temperature was from 108° to 110°, while in 1894 114° was recorded at Creighton and Santee on July 26.

TABLE SHOWING TEMPERATURE FOR PAST TWENTY-SIX YEARS

| YEAR | JAN. | FEB. | MAR. | APRIL | MAY | JUNE | JULY | AUG. | SEPT. | OCT. | NOV. | DEC. | ANNUAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1876 | 24.6 | 29.7 | 26.6 | 49.8 | 61.1 | 70.1 | 75.9 | 73.5 | 60.8 | 48.2 | 31.7 | 19.6 | 47.6 |
| 1877 | 18.7 | 34.2 | 32.8 | 46.2 | 57.8 | 66.3 | 75.2 | 72.8 | 65.6 | 46.4 | 32.8 | 32.8 | 48.5 |
| 1878 | 25.5 | 34.0 | 44.1 | 51.4 | 54.8 | 66.3 | 75.5 | 74.4 | 60.1 | 48.3 | 39.4 | 19.2 | 49.4 |
| 1879 | 20.9 | 22.6 | 40.1 | 51.6 | 63.0 | 70.0 | 75.2 | 72.9 | 61.0 | 54.2 | 35.4 | 15.7 | 48.6 |
| 1880 | 31.9 | 28.3 | 32.8 | 48.7 | 63.3 | 69.0 | 73.4 | 73.2 | 61.4 | 46.7 | 23.2 | 16.9 | 47.4 |
| 1881 | 10.8 | 18.2 | 30.3 | 45.6 | 64.7 | 72.9 | 75.8 | 78.8 | 62.4 | 51.1 | 33.5 | 32.5 | 48.0 |
| 1882 | 21.1 | 32.5 | 39.2 | 48.7 | 54.6 | 69.0 | 70.8 | 73.4 | 65.8 | 54.7 | 35.5 | 22.8 | 49.2 |
| 1883 | 11.2 | 17.2 | 33.6 | 49.7 | 55.4 | 68.4 | 74.0 | 71.3 | 59.2 | 46.0 | 37.1 | 25.6 | 45.7 |
| 1884 | 17.3 | 17.5 | 33.6 | 42.6 | 58.6 | 71.8 | 74.7 | 70.3 | 66.0 | 54.8 | 36.7 | 14.4 | 46.5 |
| 1885 | 12.6 | 18.0 | 35.6 | 49.1 | 58.1 | 68.6 | 75.1 | 69.8 | 63.6 | 48.6 | 38.8 | 31.1 | 47.4 |
| 1886 | 9.9 | 27.2 | 30.5 | 47.6 | 64.3 | 69.4 | 75.2 | 75.4 | 64.3 | 54.5 | 32.3 | 20.7 | 47.6 |
| 1887 | 15.2 | 18.2 | 37.8 | 51.1 | 63.6 | 72.0 | 75.6 | 70.9 | 63.2 | 45.2 | 35.7 | 21.9 | 47.5 |
| 1888 | 10.9 | 28.4 | 27.6 | 52.0 | 54.6 | 70.1 | 77.7 | 70.2 | 63.4 | 47.7 | 35.1 | 30.8 | 47.3 |
| 1889 | 22.4 | 23.4 | 40.4 | 51.4 | 58.3 | 68.7 | 73.4 | 72.9 | 59.3 | 51.5 | 32.9 | 36.1 | 49.3 |
| 1890 | 16.3 | 25.2 | 34.0 | 51.0 | 58.4 | 72.4 | 78.8 | 71.7 | 62.5 | 50.1 | 38.9 | 32.5 | 49.3 |
| 1891 | 27.5 | 17.6 | 26.9 | 51.2 | 59.4 | 66.0 | 70.1 | 70.6 | 66.8 | 50.7 | 34.2 | 31.3 | 47.7 |
| 1892 | 18.8 | 28.1 | 33.3 | 45.7 | 51.7 | 68.4 | 75.0 | 73.2 | 65.7 | 53.0 | 36.6 | 23.3 | 47.7 |
| 1893 | 23.0 | 21.4 | 31.6 | 45.4 | 56.6 | 71.7 | 75.7 | 70.3 | 64.7 | 50.0 | 34.5 | 27.6 | 47.6 |
| 1894 | 19.4 | 19.1 | 38.2 | 52.0 | 62.7 | 71.4 | 76.4 | 75.8 | 64.6 | 52.4 | 38.0 | 29.9 | 50.0 |
| 1895 | 19.0 | 20.2 | 35.9 | 54.8 | 60.9 | 67.6 | 72.7 | 73.0 | 68.0 | 48.1 | 34.8 | 28.1 | 48.6 |
| 1896 | 28.4 | 32.7 | 30.5 | 51.9 | 63.6 | 70.7 | 74.3 | 73.3 | 59.8 | 47.9 | 26.1 | 34.0 | 49.4 |
| 1897 | 21.8 | 27.2 | 34.2 | 47.8 | 61.3 | 69.5 | 75.9 | 70.8 | 70.6 | 53.5 | 34.9 | 22.9 | 49.1 |
| 1898 | 27.0 | 30.6 | 35.0 | 48.0 | 57.2 | 70.4 | 74.0 | 74.2 | 63.6 | 46.9 | 31.4 | 23.5 | 48.5 |
| 1899 | 23.0 | 12.1 | 26.8 | 49.0 | 59.6 | 70.0 | 73.4 | 73.8 | 64.4 | 53.0 | 43.4 | 25.5 | 47.8 |
| 1900 | 30.2 | 20.8 | 36.2 | 51.5 | 63.8 | 72.5 | 74.4 | 77.2 | 64.5 | 56.7 | 35.5 | 31.9 | 51.3 |
| 1901 | 26.7 | 21.4 | 35.7 | 48.9 | 60.5 | 70.7 | 82.0 | 75.2 | 62.4 | 54.0 | 39.5 | 25.0 | 50.1 |
| 1902 | 24.8 | 23.6 | 39.2 | 49.2 | 63.3 | 66.4 | 72.4 | 71.9 | 59.6 | 53.6 | 38.7 | 21.2 | 48.6 |

The last killing frost in spring occurs in the southeast, in the last decade, in April, but it appears gradually later to the northward and westward, occurring near May 1 in the greater portion of the agricultural section of the state, while in the northwest, in the more elevated and principally grazing districts, the season is about two weeks later. The first killing frost in the fall occurs as a rule in the South Platte district, except the western portion, during the first week in October and from five to ten days earlier in the central and northwestern part of the state.

The average number of days without killing frosts, that is, from the last frost in spring to the first frost in the fall, is 155 to 165 in

PRECIPITATION OF NEBRASKA

| YEAR | JAN. | FEB. | MAR. | APRIL | MAY | JUNE | JULY | AUG. | SEPT. | OCT. | NOV. | DEC. | ANNUAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1849 | * | * | 5.94 | 7.70 | 14.39 | 3.92 | 6.70 | 5.26 | 0.25 | 1.78 | 0.10 | 0.10 | * |
| 1850 | 0.46 | 0.06 | 1.04 | 1.05 | 3.86 | 9.73 | 4.68 | 1.44 | 0.40 | 0.26 | 1.52 | 0.29 | 24.79 |
| 1851 | 1.12 | 0.89 | 0.14 | 0.72 | 12.64 | 3.43 | 2.49 | 2.42 | 2.44 | 0.51 | 0.97 | 0.73 | 28.50 |
| 1852 | 0.12 | 0.23 | 0.27 | 0.72 | 7.01 | 2.96 | 2.34 | 1.60 | 2.04 | 1.34 | 2.17 | 0.70 | 21.50 |
| 1853 | T | 0.02 | 0.08 | 5.98 | 11.34 | 2.42 | 7.20 | 1.92 | 0.88 | 0.26 | 0.97 | 0.08 | 31.15 |
| 1854 | 0.22 | 1.22 | 1.81 | 2.51 | 5.56 | 5.29 | 3.05 | 1.03 | 4.32 | 1.06 | 0.73 | T | 26.80 |
| 1855 | 0.97 | 0.23 | 1.31 | 0.67 | 6.58 | 2.16 | 3.39 | 4.08 | * | 0.18 | 2.06 | 1.42 | * |
| 1856 | 0.26 | 0.48 | 0.62 | 3.37 | 4.26 | 4.56 | 4.43 | 1.86 | 1.80 | 5.45 | 0.39 | 1.30 | 28.78 |
| 1857 | 1.03 | T | 0.12 | 1.19 | 2.09 | 1.40 | 4.38 | 5.83 | 2.10 | 4.03 | 1.85 | 0.37 | 24.39 |
| 1858 | 1.50 | 0.46 | 4.85 | 3.96 | 3.93 | 4.35 | 9.64 | 1.47 | 1.81 | 3.38 | 0.30 | 0.22 | 35.87 |
| 1859 | 0.48 | 0.72 | 1.72 | 1.07 | 4.22 | 1.68 | 1.52 | 1.62 | 1.58 | 0.63 | 0.60 | 0.21 | 16.05 |
| 1860 | 0.80 | 0.65 | 0.02 | 0.68 | 1.06 | 3.04 | 2.47 | 1.03 | 2.46 | 0.74 | 0.71 | 1.58 | 15.24 |
| 1861 | 1.38 | 1.34 | 0.14 | 0.61 | 4.16 | 3.14 | 1.68 | 2.72 | 4.16 | 0.91 | 0.68 | 0.68 | 21.60 |
| 1862 | 1.40 | 0.40 | 2.47 | 1.72 | 2.04 | 1.95 | 5.07 | 2.00 | 3.36 | 0.06 | 0.53 | 0.28 | 21.28 |
| 1863 | 0.39 | 0.67 | 0.14 | * | 1.57 | 2.07 | 1.84 | 1.40 | 1.19 | 0.57 | 1.05 | 1.66 | * |
| 1864 | 0.33 | * | 1.61 | 1.92 | 1.07 | 2.01 | 0.61 | 1.10 | 0.76 | 2.41 | 0.99 | 0.26 | * |
| 1865 | 0.16 | 4.49 | 1.44 | 3.86 | 1.73 | 3.69 | 3.08 | * | 0.89 | 1.88 | 0.68 | 1.57 | * |
| 1866 | 1.11 | 0.44 | 1.32 | 2.16 | 1.63 | 4.15 | 1.78 | 1.64 | 3.99 | 0.24 | 0.94 | 0.97 | 20.37 |
| 1867 | 1.38 | 2.70 | 1.63 | 1.92 | 6.11 | 2.59 | 3.42 | 0.75 | 1.22 | 0.42 | 0.02 | 0.39 | 22.55 |
| 1868 | 0.35 | 1.21 | 1.34 | 1.84 | 6.47 | 4.48 | 1.66 | 2.57 | 1.48 | 0.80 | 0.71 | 2.06 | 24.97 |
| 1869 | 0.50 | 1.64 | 0.41 | 1.72 | 3.16 | 4.86 | 4.88 | 4.72 | 4.90 | 0.86 | 0.76 | 1.87 | 30.28 |
| 1870 | 0.53 | 0.21 | 1.14 | 1.96 | 3.92 | 1.25 | 1.63 | 2.25 | 5.90 | 1.14 | 0.22 | 0.56 | 20.71 |
| 1871 | 0.66 | 1.03 | 0.40 | 2.04 | 3.31 | 2.99 | 7.13 | 1.94 | 1.42 | 0.60 | 2.70 | 0.76 | 24.98 |
| 1872 | 0.10 | 0.56 | 1.20 | 2.14 | 4.13 | 3.06 | 4.65 | 1.64 | 1.95 | 1.90 | 0.40 | 0.42 | 22.15 |
| 1873 | 0.90 | 0.30 | 0.27 | 2.69 | 5.84 | 3.38 | 2.75 | 1.62 | 1.00 | 0.87 | 0.36 | 0.69 | 20.67 |
| 1874 | 0.38 | 1.34 | 1.14 | 1.09 | 2.63 | 5.34 | 1.68 | 1.36 | 4.03 | 1.43 | 0.67 | 0.61 | 21.70 |
| 1875 | 0.68 | 1.22 | 1.35 | 3.04 | 3.29 | 4.45 | 6.64 | 4.96 | 2.35 | 0.87 | 1.00 | 0.71 | 30.56 |
| 1876 | 0.20 | 0.55 | 1.85 | 1.45 | 2.54 | 1.99 | 4.28 | 3.25 | 3.63 | 0.98 | 1.68 | 0.24 | 22.64 |
| 1877 | 0.98 | 0.31 | 0.76 | 2.86 | 5.79 | 3.50 | 1.45 | 2.04 | 2.06 | 2.92 | 0.82 | 1.85 | 25.34 |
| 1878 | 0.44 | 0.31 | 1.95 | 1.85 | 4.09 | 5.19 | 5.71 | 2.16 | 1.90 | 0.39 | 0.64 | 0.44 | 25.07 |
| 1879 | 0.80 | 0.80 | 0.70 | 2.61 | 3.43 | 4.27 | 5.92 | 1.54 | 1.40 | 1.03 | 1.31 | 0.58 | 24.39 |
| 1880 | 0.38 | 0.18 | 0.50 | 0.72 | 2.11 | 4.44 | 3.36 | 3.87 | 2.74 | 1.78 | 0.53 | 0.62 | 21.23 |
| 1881 | 0.91 | 1.64 | 1.51 | 2.02 | 6.28 | 5.36 | 3.38 | 1.18 | 3.77 | 3.42 | 0.87 | 0.57 | 30.91 |
| 1882 | 0.56 | 0.63 | 0.15 | 3.58 | 4.93 | 4.34 | 3.40 | 1.31 | 0.92 | 2.23 | 0.45 | 1.01 | 23.51 |
| 1883 | 1.04 | 0.92 | 0.50 | 2.79 | 5.39 | 7.18 | 2.81 | 3.21 | 2.04 | 3.58 | 0.24 | 1.04 | 30.74 |
| 1884 | 0.46 | 0.69 | 1.96 | 2.60 | 3.06 | 2.04 | 5.79 | 2.97 | 1.66 | 1.71 | 0.16 | 0.90 | 24.00 |
| 1885 | 0.51 | 0.84 | 0.46 | 3.30 | 3.73 | 3.66 | 4.32 | 3.48 | 1.76 | 1.80 | 1.18 | 0.94 | 25.98 |
| 1886 | 1.21 | 0.84 | 2.01 | 2.64 | 3.39 | 2.96 | 1.84 | 3.22 | 2.69 | 0.86 | 1.24 | 0.81 | 23.71 |
| 1887 | 0.49 | 0.78 | 0.39 | 2.32 | 2.27 | 3.22 | 3.10 | 4.13 | 4.09 | 0.88 | 0.61 | 0.71 | 22.99 |
| 1888 | 0.47 | 0.74 | 2.13 | 2.39 | 5.83 | 3.11 | 3.10 | 3.11 | 0.38 | 0.93 | 0.22 | 0.45 | 22.86 |
| 1889 | 0.91 | 0.29 | 1.06 | 2.33 | 2.69 | 3.55 | 5.77 | 2.40 | 1.48 | 0.93 | 0.86 | 0.37 | 22.64 |
| 1890 | 0.78 | 0.36 | 0.84 | 1.97 | 2.34 | 3.63 | 2.10 | 2.24 | 0.99 | 0.93 | 0.87 | 0.13 | 17.18 |
| 1891 | 1.43 | 1.13 | 1.86 | 3.14 | 2.90 | 7.07 | 5.48 | 2.92 | 1.28 | 1.96 | 0.32 | 1.13 | 30.62 |
| 1892 | 0.86 | 0.99 | 1.62 | 4.00 | 5.63 | 2.18 | 2.57 | 3.20 | 0.48 | 1.71 | 0.27 | 0.61 | 24.12 |
| 1893 | 0.13 | 0.84 | 1.32 | 1.25 | 2.66 | 3.10 | 2.62 | 2.33 | 1.02 | 0.31 | 0.33 | 0.89 | 16.80 |
| 1894 | 0.60 | 0.58 | 0.90 | 1.97 | 0.91 | 3.19 | 1.43 | 0.74 | 1.21 | 1.21 | 0.13 | 0.43 | 13.30 |
| 1895 | 0.36 | 0.80 | 0.72 | 2.28 | 2.40 | 4.67 | 1.73 | 3.04 | 1.39 | 0.22 | 0.94 | 0.15 | 18.70 |
| 1896 | 0.37 | 0.16 | 1.45 | 4.82 | 4.03 | 4.04 | 3.87 | 1.81 | 2.37 | 1.83 | 1.21 | 0.23 | 26.19 |
| 1897 | 0.79 | 0.59 | 1.49 | 3.82 | 1.66 | 3.60 | 2.57 | 2.60 | 1.26 | 3.34 | 0.51 | 1.31 | 23.50 |
| 1898 | 0.67 | 0.43 | 0.61 | 2.14 | 4.86 | 3.54 | 2.12 | 2.24 | 2.30 | 0.90 | 0.57 | 0.32 | 20.70 |
| 1899 | 0.24 | 0.61 | 0.92 | 0.99 | 3.71 | 3.83 | 2.87 | 3.26 | 0.46 | 1.00 | 0.88 | 0.84 | 19.51 |
| 1900 | 0.07 | 1.07 | 0.62 | 4.68 | 2.32 | 2.50 | 4.54 | 3.46 | 2.66 | 2.08 | 0.15 | 0.31 | 24.46 |
| 1901 | 0.17 | 0.83 | 1.90 | 2.32 | 1.86 | 4.54 | 1.59 | 2.25 | 4.55 | 1.64 | 0.50 | 0.60 | 22.76 |
| 1902 | 0.64 | 0.39 | 1.18 | 1.07 | 4.14 | 5.12 | 5.93 | 3.25 | 3.54 | 1.92 | 0.52 | 1.40 | 29.09 |

* Data insufficient to make a state mean. T= less than .01 of an inch.

the southeastern part of the state, 145 to 150 in the northeastern, central, and southwestern parts, and 130 to 135 in the northwestern portion. The ground usually thaws out, and some plowing and seeding is done in March, but the real growing season does not begin until the higher temperatures of April are felt.

The table on page 13 gives the mean temperature for the state, by month and year, for the past twenty-six years. The temperature records available are not sufficiently numerous in the earlier years to allow the computation of state means.

The precipitation of Nebraska is almost entirely rain; the snowfall for a year averages about twenty inches, equal to about two inches of water, or less than one-tenth the annual precipitation. The moisture precipitated over Nebraska comes almost entirely from the Gulf of Mexico, brought by the prevailing southerly winds of summer. The annual precipitation slightly exceeds thirty inches in the southeastern part of the state, and decreases to the north and west somewhat irregularly, but at an average rate of one inch for thirty miles across the state from the southeast corner to the middle of the western border, where it is only fifteen inches. The decrease northward along the eastern border of the state is about one inch for forty miles, or to twenty-seven inches in the northeast corner. The decrease is one inch for fifty miles westward along the northern border, or to eighteen inches in the northwest corner. Very little rain or snow falls in the winter months, averaging less than an inch of water a month from November to February inclusive. A slight increase is manifest in March, but the spring rains begin in April, when from two to three inches is the normal fall for most parts of the state. In May the rainfall is about one inch more, while June and July follow with nearly the same amount. June is the month of heaviest rainfall, with an amount ranging from more than five inches in the southeast to slightly less than three in the extreme west. August brings a decided decrease, being only about the same as April, while September and October have still less. The rainy season in Nebraska coincides with the crop season or the warm growing months. Nearly 70 per cent of Nebraska's precipitation occurs in the five months, April to August, inclusive.

The table on page 14 gives the average precipitation for the state as a whole as complete as the preserved records will allow, and gives a view of precipitation in Nebraska for more than half of a century.

The percentage of cloudiness is highest in March, April, May, and June, when there are slightly more clouds than clear sky. July, August, and September are the months with the least clouds.

The velocity of the wind is high except in the Missouri valley, and averages from nine to eleven miles per hour.

## VEGETATION[1]

The natural vegetation of Nebraska is emphatically that of the Great Plains, and thus differs much from that of the forests to the eastward and the mountains lying westward. To say that the eastern botanist notes the absence of many familiar plants signifies nothing, since this must always be the case in comparing the flora of one region with that of another. The flora of the Plains differs in many respects from that of New York and New England, but the eastern botanist must not unduly magnify the importance to be attached to the fact that he does not find here many of the plants he knew in childhood days. The Plains have their own plants, which will eventually be as dear to the men and women who gathered them in childhood as are the old favorites to the New Englander transplanted to the West.

A study of the vegetation of Nebraska shows it to possess some remarkably interesting features. The wild plants of the state are very largely immigrants from surrounding regions. By far the greater number have come from the prairies and forests lying adjacent on the east and southeast by creep-

[1]This description of the vegetation of Nebraska is by Charles Edwin Bessey, Ph.D., LL.D., dean of the Industrial College and professor of botany in the University of Nebraska.—(Ed.)

ing up the rivers and streams, or in case of herbaceous plants, blowing overland without regard for the watercourses. Thus, of the one hundred and forty-one trees and shrubs which grow naturally within the state all but about twenty-five have migrated from the East, in nearly all cases following the streams. Of these twenty-five, four or five may be considered strictly endemic, the remainder having come down from the mountains.

A careful study of the plants of the eastern part of the state shows that many species are confined to limited areas in Richardson and the adjoining counties, and that the number of species decreases with marked regularity as we ascend the Missouri river. The same general law is seen as we ascend the three great rivers, the Republican, Platte, and Niobrara, which cross the state from west to east. On the other hand, as we ascend the streams we meet, here and there, a mountain plant which is wandering eastward down the slope from an elevation of a mile above sea level in the western counties to less than a thousand feet along the Missouri river. Thus the buffalo berry, the golden currant, low sumach, the dwarf wild cherry, and yellow pine have traveled half-way or two-thirds across the plains; while the creeping barberry, black cottonwood, Rydberg's cottonwood, mountain maple, mountain mahogany, and sage brush barely enter the western counties, not extending eastward of the Wyoming line more than a few miles. A few species of wild roses, the sand cherry, and perhaps the sand plum seem to belong strictly to the Plains.

Wherever we go we find upon the Plains a similar commingling of eastern and western species. Every mile which one advances westward brings to view plants not hitherto seen, while at the same time there is left behind some familiar species.

Nebraska affords one of the finest illustrations of the commingling of contiguous floras to be found anywhere in America. Not a few of the species in the southern half of the state have come up from the plains of the Southwest, some even coming from Texas and New Mexico. Others, again, appear to have migrated from the great northern plains of the Dakotas, while here again there are endemic species, as the buffalo grass, Redfield's grass, false buffalo grass, and many more.

Through the untiring efforts of the members of the Botanical Seminar of the University of Nebraska there are now known fully three thousand three hundred species, representing every branch and nearly every class of the vegetable kingdom.

There are sixty-four species of native trees in the state. There is, however, no place in the state where all these species grow together. No county contains sixty-four kinds of native trees. Thus there are nineteen species of trees in the northwestern quarter of the state, twenty-seven in the northeastern, fifteen in the southwestern, and fifty in the southeastern.

A close study of the distribution of our trees shows that nearly all have probably migrated to the Plains from the East. They have in some cases done no more than get a little foothold in the extreme southeastern counties, to which they have come from the heavy forests of Missouri. A few have doubtless crossed the Missouri river from western Iowa, although this number is evidently very small. Nearly all have come up from the Missouri bottoms and spread from the southeastern corner of the state west and northwest. Possibly a few may have come up the Blue river from Kansas, but these must eventually be traced to the Missouri river bottoms at the mouth of the Kansas river.

The trees and shrubs which are found only in the western part of the state unquestionably came from the Rocky mountains and have spread eastward to their present limits. Only one of these, the buffalo berry, has spread itself over the whole state. There is a probability that a further examination of the bluffs of the Niobrara, Platte, and Republican rivers will show several more of these Rocky mountain plants, which have come down with the river currents. It is singular that so few of the western trees and shrubs have come down the streams, especially as prevailing winds are also from the westerly parts toward the

east. It would naturally be supposed that it would be much easier for the western trees to come down stream, and with the wind, than for the elms, ashes, plums, etc., to have gone up the streams against the prevailing winds.

Following is a description of the more important native trees of the state, with the distribution of each:

Yellow Pine or Bull Pine (*Pinus scopulorum*).—A medium sized tree with reddish bark, and a yellow, rather resinous wood. The leaves are from 3 to 5 inches long, and are in twos or threes. The cones are 2 to 3 inches long and ripen early in the fall of the second year.

This interesting tree, which occurs so abundantly in the Rocky mountains, is the only pine native to Nebraska. It forms quite dense forests in the northwestern and northern portions of the state, extending from the Wyoming line along Pine Ridge and the Niobrara river to the eastern boundary of Rock and Keya Paha counties. It occurs also on the North Platte river as far eastward as Deuel county. In the Loup valley it originally grew in many canyons, and remnants still occur in Valley, Greeley, and Custer counties. It appears to be wanting in the Republican valley. The seeds germinate rapidly if planted as soon as they are gathered (in September). The ripe cones may be obtained at this time, and if put in a dry place soon open and permit the seeds to escape.

This is one of the hardiest of the pines. Fine trees occur abundantly upon the sides and summits of the rocky hills of the north and northwest portions of the state. Good trees may be seen in Dawes county, growing in the tough prairie sod, with nothing to protect the trunk or roots from the heat. A study of the tree in its native habitat shows that it requires very little moisture either in the soil or the air. It appears to be one well suited for planting in the central and western portions of the state.

Red Cedar (*Juniperus virginiana*).—A small or medium sized tree, widely distributed throughout the state, particularly in the central, northern, and western portions.

Black Cottonwood (*Populus angustifolia*).—A fine tree with narrow, willow-like leaves. Found in Sioux and Scotts Bluff counties.

Rydberg's Cottonwood (*Populus acuminata*).—A rare tree allied to the foregoing, but with broader, acuminate leaves. Found in Scotts Bluff county.

Cottonwood (*Populus deltoides*).—A large tree when well grown exceeding every other native tree in the diameter of its stem. Common throughout the state.

Basswood (*Tilia americana*).—A medium or large sized tree, with gray bark and white, soft wood. Flowers producing much honey. Native of the eastern and northern counties from Jefferson to Gage, Richardson, Cass, Saunders, Douglas, Knox, Rock, Brown, and Cherry.

White Elm (*Ulmus americana*).—A large tree, growing along streams throughout the state, often attaining a great size in the eastern counties.

A tree of the latter in Tecumseh has a spreading dome-shaped top nearly one hundred feet in diameter. Along the margins of Salt creek, above Lincoln, there are many fine specimens of about the same dimensions. In the collection made for the World's Fair one of the specimens has a diameter of nearly five feet.

This is the common elm of the state. It is also known as "water elm" and "swamp elm." Well-grown trees are often called rock elm, a name which properly belongs to another species (*U. racemosa*). In the central and northern parts of the state it is occasionally found with pubescent twigs.

The white elm is deservedly popular as a shade tree, especially in towns and cities. It is also extensively grown in young forestry plantations.

It can be grown over nearly the entire state. Like the ash, it will adapt itself to almost any soil and condition. While it thrives best on deep, moist soil, it will also live and make a good growth on the poorest clay banks and in the alkali basins, where most other sorts fail. With good cultivation the tree is a rapid grower and is soon able to take care of itself. While the timber is not of the best quality, yet it is valuable for certain mechanical purposes, and the tree should be freely planted.

Red Elm (*Ulmus fulva*).—A medium sized tree with a mucilaginous bark, from whence one of the popular names—slippery elm—is derived. Common in the eastern part of the state to Franklin, Adams, Buffalo, and Brown counties. Reported from the valley of the Medicine creek in Frontier county by Mr. Rydberg.

Hackberry (*Celtis occidentalis*).—A medium sized symmetrical tree, with a rough "hacked" bark. One of the best of our native trees for ornamental uses. Common throughout the eastern, central, and northern counties to the extreme northwest, and also in Banner and Cheyenne counties.

Plane Tree (*Platanus occidentalis*).—A well-known tree with thin white bark. It is commonly but erroneously called "sycamore," and also bears the name of "buttonwood." It grows along the Missouri river from Richardson county to Douglas.

Mountain Maple (*Acer glabrum*).—A small tree confined to the head-waters of Hat creek in Sioux county. Worthy of cultivation for ornamental purposes.

Silver Maple (*Acer saccharinum*).—This is the common "soft maple" of the eastern part of the state. Leaves silvery-white and smooth on the under side. Found in the counties east of the 98th meridian. Many people in the eastern part of the state suppose our tree to be the red maple *(A. rubrum),* but that very distinct species does not grow naturally within our borders.

Box Elder or Ash-leaved Maple (*Acer negundo*).—A medium-sized tree of rapid growth, producing a good wood for fuel, having one-half of the heating value of shellbark hickory. Grows wild throughout the state.

This hardy tree is one of the best for planting upon the Plains. It is easily propagated and grows rapidly. It has been extensively planted upon "tree claims" throughout the western counties.

Butternut (*Juglans cinerea*).—A large tree with a very valuable wood. Found sparingly in the southeastern part of the state (Gage to Johnson, Nemaha, Otoe, and Cass counties).

Black Walnut (*Juglans nigra*).—A tree of large dimensions with very valuable wood and nuts. Found quite abundantly in the southern, eastern, and northern portions of the state, extending to Harlan, Saline, Lancaster, and northeastward to Burt, Dixon, Knox, Rock, and Cherry counties.

It is deservedly popular with tree planters, and as a consequence young trees are common in plantations almost throughout the state. In Cherry, Brown, Rock, and Keya Paha counties the unusual association of black walnut and yellow pine *(Pinus scopulorum)* occurs. I know of no other place on the continent where these two species grow side by side.

Shellbark Hickory (*Hicoria ovata*).—A large tree of great value, not only for its white, tough wood, but also for its edible nuts. Common in the southeastern counties, from Gage to Cass.

Big Hickory Nut (*Hicoria sulcata*).—A large tree, sparingly found in Richardson county. It is also reported from Sarpy county. Its nuts, which are edible, are much larger and thicker-shelled than the preceding.

Bitter Hickory (*Hicoria minima*).—A medium sized tree with valuable wood but inedible nuts. This is the most widely distributed of our hickories, occurring in the southeastern counties to Sarpy, Cass, Lancaster, Johnson, Pawnee, and Nemaha.

White Oak (*Quercus alba*).—A large tree, with strong, tough, and durable wood. Confined to the southeastern part of the state (Cass and Nemaha counties).

Bur-oak (*Quercus macrocarpa*).—A valuable tree, often attaining a great size. It may be known by the bur-like cup of its acorn. The wood is heavy, strong, and hard. It occurs throughout the eastern half of the state, west to Harlan, Custer, and Cherry counties, in the latter extending to the mouth of Snake creek.

This is the most widely distributed oak within the state. In favorable situations it attains a great size, even along its western border. In Long Pine canyon there are trees from two to three feet in diameter, with large and well-formed tops. Elsewhere along the western line of its distribution it attains a large size in canyons and river bottoms. In many cases, however, it becomes low and shrubby, especially upon the dry hillsides.

In the southern part of the state the bur-oak appears not to ascend to a height of more than about 2,000 feet above the sea level; in the central part it reaches 2,200 to 2,300 feet, and in the north 2,500 to nearly 3,000 feet. In the Black Hills of South Dakota, at 6,000 feet, it is a small tree ten to fifteen feet in height.

Red Oak (*Quercus rubra*).—A large tree, with coarse-grained wood. Acorn-cup, saucer-shaped. Confined to the eastern part of the state (Richardson, Pawnee, Nemaha, Cass, and Lancaster counties to Sarpy and Dixon).

Ironwood (*Ostrya virginiana*).—A small tree with rough, brownish bark, and close-grained, hard, and tough wood. In the eastern and northern parts of the state from Nemaha and Sarpy to Dixon, Cedar, Knox, Holt, Keya Paha, Rock, Brown, Cherry, and Sioux counties.

Canoe Birch (*Betula papyrifera*).—A large tree whose bark easily splits into thin papery layers. On the north slopes of the high bluffs and in ravines bordering the Niobrara river in Keya Paha, Brown, and Cherry counties.

Choke Cherry (*Prunus virginiana*).—A shrub or small tree, with thin, sharply serrate leaves and small, very astringent, inedible, dark crimson fruits. In the southeastern counties, Richardson, Nemaha, Pawnee, Johnson, Cass, Saline, and Franklin. What appears to be this species, or possibly a variety of another, is found in Brown and Rock counties in Long Pine canyon.

Wild Black Cherry (*Prunus serotina*).—A large tree, with thickish, blunt-serrate leaves and small, black-purple edible fruits. Franklin, Pawnee, Richardson, Nemaha, and Cass counties.

Wild Plum (*Prunus americana*).—A small, thorny tree, producing yellow or red fruits from ¾ to 1 inch in diameter. Common throughout the state, even to the extreme western portion (Sioux county).

This is the only plum certainly known to grow wild in the state. It may be that we have confused two or more species in what we now regard as a very variable single species. In the opinion of some of our horticulturists there are several distinguishable species, while others are equally positive that all the varieties grade into one another so fully as to render their separation impossible. There is much variability in the fruits and pits, the former differing not only in color, but also in size and taste, while the pits vary much in size, shape, and structure. The leaves appear to be pretty uniform in size, shape, and structure, the margins always being sharply and rather coarsely serrate.

Kentucky Coffee Tree (*Gymnocladus dioicus*).—A tall tree (or in Nebraska usually small), with rough, scaly bark, and large, thick pods (6 to 8 inches long), containing a few very hard seeds, ½ inch in diameter. From Richardson county to Pawnee, Lancaster, Sarpy, Cuming, Dixon, and Rock.

Honey Locust (*Gleditsia triacanthos*).—A large, thorny tree, bearing long, thin, twisted pods. In the southeastern counties, from Franklin county to Pawnee, Johnson, Nemaha, Saline, Lancaster, Cass, Douglas, Dixon, and Holt.

White Ash (*Fraxinus americana*).—A large tree, with smooth leaves and twigs, and with oar-shaped fruit ("seed") bearing a thickened, oblong, blunt, grain-like seed-pod. Occurs in eastern Nebraska, from Sarpy county southward.

Red Ash (*Fraxinus pennsylvanica*).—A small-sized tree, with velvety-downy leaves and twigs and nearly entire leaflets. The fruits ("seeds") are oar-shaped and bear a narrow, slender, pointed seed-pod. Found with the following variety throughout the state, but nowhere so abundant; doubtless the two are often confounded.

Green Ash (*Fraxinus lanceolata*).—Very closely resembling the preceding, but with smooth leaves and twigs. The fruits ("seeds") appear to be quite like those of the red ash. Common along streams throughout the state.

### *Grasses*

Many plants are commonly called grasses which are not grasses at all. Many people speak of clover and alfalfa as grasses, because they are made into hay for stock, just as many of the real grasses are. So, too, many of our weeds are called grasses, as rib-grass, knot grass, etc., when they are not at all related to the proper grasses. On the other hand, many true grasses are commonly kept separate from them, under the impression that they are very different plants. Thus many people do not think of common field corn as a grass, and yet it is in every way a true grass, although a very large one. So, too, wheat, oats, rye, barley, etc., are real grasses, although we rarely hear them spoken of as such.

A grass is a plant with narrow, elongated leaves which are in two ranks upon the jointed, usually hollow stem. The leaves end below in open sheaths, which wrap around the stem for a greater or less distance. The flowers

are chaffy and are never colored or conspicuous; they are often in loose heads (panicles, as in blue grass and oats), or in spikes (as in timothy and wheat). Some live for but a single season (annuals), while others live for many years (perennials).

In the whole world there are about 3,500 species of grasses, and of this vast number 154 have been recorded as growing wild or under common cultivation in Nebraska. Probably there is no place in the state in which there are not from fifty to seventy-five kinds of grasses, and in some places doubtless there are more than one hundred.

It is unnecessary to take up all the grasses which grow in the state, but the following wild and cultivated species should be known:

Maize or Indian Corn (*Zea mays*).—Stems annual, stout, tall, 5 to 15 or even more feet, with many long, broad leaves. Through long cultivation many varieties have been produced. These may be grouped under five types as follows:

1. *The Dent type*, with the top of the kernel indented, and showing the glossy starch on the sides, and the white extending to the top when the kernel is split. This includes nearly all the field varieties grown in Nebraska.

2. *The Flint type*, with the top of the kernel rounded, and showing the glossy starch on the sides and top with the white in the middle. This includes the smaller hard varieties grown far north and in New England.

3. *The Pop-corn type*, with the small kernels composed almost entirely of glossy starch.

4. *The Soft-corn type*, with the kernels composed entirely of white starch. The kernels are easily crushed and made into white meal.

5. *The Sweet-corn type*, in which the starch of the wrinkled kernel is horny and translucent. This includes nearly all of our table varieties.

Big Blue Stem (*Andropogon provincialis*).—Stems from 4 to 6 feet high, bluish-green, usually branched above and bearing several clustered blue-purple spikes which are more or less hairy. Throughout the state. Valuable for hay when cut before ripening.

Switch Grass (*Panicum virgatum*).—Stems stout, erect, unbranched, 3 to 5 feet high; leaves 1 to 1½ feet long, ¼ to $^1/_3$ inch wide, flat and smooth; spikelets 3 to 4 mm. long, smooth on the rough branches of the large compound panicle, which is usually reddish. A valuable perennial grass which is found throughout the state. When cut before ripening its seeds it produces a very valuable hay.

Barn-yard Grass (*Panicum crus-galli*).—Stems coarse, usually decumbent and branching, 2 to 4 feet high; leaves long and rough, spikelets 3 to 4 mm. long, rough, crowded in three or four rows on the side of spikes which are usually alternate upon the axis of the panicle. A well-known annual, weedy grass throughout the state. It is a native of the old world, and is now so thoroughly dispersed throughout the state as to sometimes seem to be indigenous. It yields a nutritious hay if cut and cured as soon as it blossoms.

Green Foxtail (*Chaetochloa viridis*).—Stems erect, unbranched, 1½ to 2½ feet high, bearing a soft spike of green spikelets, the latter narrowly elliptical. A common weed of fields and waste places. It is strictly an annual, and has come to us from the old world.

Millet or Hungarian Grass (*Chaetochloa italica*).—Stems erect, unbranched, 1½ to 3 or 4 feet high, bearing a soft spike 2 to 4 inches long, of purplish or yellowish spikelets, or in highly cultivated forms the spike is large, thick, and compound (6 to 10 inches long and 1 inch in diameter). This most useful grass is a native of the Old World, and is now extensively cultivated in this country. There are many varieties, from the simple Hungarian grass to the largest headed millets.

Yellow Foxtail (*Chaetochloa glauca*).—Stems erect, unbranched, 1½ to 2 feet high, bearing a rather stiff spike of tawny-yellow spikelets, the latter broadly elliptical. An annual weed, and, like the preceding, a native of the Old World.

Indian Rice (*Zizania aquatica*).—Stems large, 5 to 10 feet high, with broad leaves; panicle loose and spreading. An annual grass, growing in ponds in many parts of the state. The nutritious grain is eaten by water fowl.

Wild Ribbon Grass (*Phalaris arundinacea*).—Stems stout, 2 to 4 feet high; leaves flat, ½ inch wide; panicle 3 to 5 inches long, narrow, branches short and appressed; spikelets 4 mm. long, glumes not winged on the back. A stout-growing perennial grass of wet grounds, widely distributed in the state. The "ribbon grass" of the gardens is a variety (var. *picta*) produced by cultivation.

Muhlenberg's Grass (*Muhlenbergia racemosa*).—Stems 2 to 3 feet high, rather stiff, very leafy, simple or branched; leaves many, narrow, 3 to 4 inches long; panicle 2 to 3 inches long, oblong-linear, contracted into an interrupted false spike with sessile branches;

spikelets 2 to 3 mm. long, empty glumes 4 mm. long, much larger than the awned flowering glume, which is acute. A common grass throughout the state, very promising as a hay plant.

Timothy (*Phleum pratense*).—Stems erect, unbranched, 1½ to 3 or 4 feet high, growing in tufts; empty glumes ciliate on the back, bristle-pointed, 3 to 4 mm. long. A well-known grass, native of Europe, and possibly of America also, which has been cultivated extensively for nearly 150 years. The common name is from Timothy Hansen, an American who, in the middle of the last century, first brought it into notice. It is grown extensively in eastern Nebraska and its successful cultivation is rapidly extending westward in the state.

Red Top (*Agrostis alba*).—Stems erect, 1 to 2½ feet high; leaves flat, 2 to 6 inches long, ligule, mostly long and acute; panicle 3 to 8 inches long, open, the rays numerous; spikelets 2 mm. long; flowering glume thin, mostly awnless, rarely short awned; palet about half as long as the flowering glume. A valuable wild grass on moist lands in central and western Nebraska. A variety (var. *vulgaris*) with truncate ligules and more spreading red-purple panicles is cultivated from Europe in the eastern half of the state.

Oats (*Avena sativa*).—Stems stout, but not hard, 1½ to 3 or even 4 feet high; leaves long, broad, flat, and numerous; panicle large, loose, and widely spreading; spikelets 15 to 20 mm. long. A native annual of the Old World, which has run into many varieties by long cultivation.

Cord Grass (*Spartina cynosuroides*).—Stems stout, hard, and tough, 3 to 7 feet high; leaves long (2 to 3 feet), involute, very tough; spikes 5 to 20, about 2 inches long, somewhat spreading at maturity; spikelets 10 to 12 mm. long. Common in moist places throughout the state. Of but little or no value for forage, on account of its hardness and toughness.

Blue Grama (*Bouteloua oligostachya*).—Stems slender, erect, tufted, 8 to 15 inches high; leaves very narrow, most abundant below, 1 to 3 inches long; spikes mostly 1 or 2, rarely 3, 4, or 5, from 1 to 2 inches long; spikelets 5 to 6 mm. long, densely flowered; empty glumes dark purple, whitish hairy on the back; pedicel of rudimentary flower copiously hairy. Very common throughout the state, and in many places called "buffalo grass," a name which properly belongs to another of our grasses. It is one of the most nutritious of our wild pasture grasses.

Black Grama (*Bouteloua hirsuta*).—Stems slender, erect, tufted, 8 to 15 inches high; leaves very narrow, most abundant below, 1 to 3 inches long; spikes 1 to 2, rarely 3 or 4, from 1 to 1½ inches long; spikelets 4 to 5 mm. long, densely flowered; empty glumes dark purple, hairy on the back, each hair arising from a black wart; pedicel of rudimentary flower glabrous. Much like the preceding, from which it is difficult to distinguish it. Throughout the state, but most abundant westward.

Tall Grama (*Bouteloua curtipendula*).—Stems stouter, tufted, 1 to 3 feet high; leaves narrow, most abundant below; spikes numerous (20 to 60), mostly purplish, about ½ inch long, few flowered, drooping to one side of the general axis; spikelets about 5 mm. long. Common throughout the state; one of our most valuable wild grasses for hay or pasture.

Buffalo Grass (*Bulbilis dactyloides*).—Stems running and trailing, rooting at the joints, forming close mats, often several yards in diameter; leaves 2 to 4 inches long, hairy; staminate spikes whitish, about ½ inch long on erect stems 4 to 6 inches high, pistillate heads greenish, on shorter stems. Once common throughout the state, now rare, except in the western counties.

Reed Grass (*Phragmites phragmites*).—Stems tall and stout, 6 to 10 or more feet high, with broad leaves, 1 to 2 inches wide, and bearing a large, loose, and nodding panicle; spikelets 10 mm. long, narrow, and usually reddish. This is the tallest of our native grasses. It grows in ponds and sloughs throughout the state. On the sandy islands of the Platte river near Kearney and Grand Island the stems often run along the ground for forty or fifty feet, striking root and sending up leafy shoots at each joint.

Salt Grass (*Distichlis stricta*).—Stems tufted, erect, branching, 6 to 15 inches high, growing from tough, scaly root-stocks; leaves 3 to 6 inches long, narrow, involute, and sharp-pointed; panicle loose, consisting of a few erect straw-colored spikelets, which are 10 to 20 flowered, 12 to 18 or 20 mm. long, and 3 or 4 mm. broad. Common on alkaline soils throughout the state.

Orchard Grass (*Dactylis glomerata*).—Stems tufted, erect, simple, 2 to 3 feet high, leafy below, naked above, the rough leaves broad and long, 1 to 1½ feet; panicle 3 to 8 inches long, composed of compact clusters; spikelets green, 7 to 8 mm. long. A valuable grass of the Old World, now much grown for hay in this country, and occasionally escaped from cultivation in eastern Nebraska.

KENTUCKY BLUE GRASS (*Poa pratensis*).—Stems erect, 1 to 3 feet high, from running root-stocks; leaves long, narrow, channeled, the sheaths smooth; ligules short and blunt; panicle short-pyramidal, 2 to 4 or 5 inches long; spikelets 3 to 5 flowered, 3 to 6 mm. long, ovate, almost sessile; flowering glume, five-nerved. A well-known perennial grass, native of parts of North America and Europe, now much grown as a pasture grass. Common throughout Nebraska, but probably not indigenous.

WHEAT GRASS (*Agropyrum occidentale*).—Stems stout, 1 to 3 feet high, erect and smooth, glaucous-green all over; leaves thickish, rolled, not numerous, 4 to 6 inches long, spike 2 to 5 inches long, inclined to be compound, i. e., with more than one spikelet at each joint; spikelets 5 to 10 flowered, smooth, glaucous, flowering glumes five-nerved, short-awned. A perennial grass of a bluish-green color, much like the couch grass, but with much smaller underground stems. It is one of the most valuable of our wild grasses, especially in the western half of the state.

RYE (*Secale cereale*).—Stems stout, tall, 3 to 6 or 7 feet; leaves flat, not numerous; spike slender, elongated, 3 to 6 inches long; grain dark-colored, hard, long, and narrow. An annual which has been cultivated from time immemorial. Nearly all of the rye grown in Nebraska is sown in the fall, and is hence called "winter rye," but some varieties are sown in the spring, and are consequently known as "spring rye." They are only varieties of the species given above.

WHEAT (*Triticum sativum*).—Spikelets usually large and broad, several flowered; glumes short, not much exceeding the grain, awned or toothed; grain usually short, and turgid. This species includes all of our ordinary wheat, whether awned ("bearded") or awnless ("smooth"), hardy ("winter wheats") or tender ("spring wheats"), white grained or dark ("red") grained. [Within the last five years winter wheat has become established as one of the surest and most important crops of Nebraska; and this fortunate fact is largely due to the exhortation of Dr. George L. Miller and the enterprising, practical missionary work of George W. Holdrege, general manager of the Burlington and Missouri River railway company.—Ed.]

BARLEY (*Hordeum sativum*).—Stems stout, 1 to 2 feet high, leafy; the leaves broad and flat, spike erect, 2 to 3 inches long, not including the long, stout, erect, very rough awns; spikelets usually 2 at each joint of the spike. Many varieties of this Old World annual are now known. Thus we have two-rowed barley, four-rowed barley, six-rowed barley, each of which is divisible into a number of varieties.

WILD RYE (*Elymus canadensis*).—Stems in tufts, erect, smooth, 2 to 4 feet high; leaves long, flat, smooth, or sometimes roughened; spike large, 5 to 9 inches long, nodding; spikelets mostly 2, sometimes more, minutely rough-hairy; glumes narrow, all long-awned (1 to 1½ inches long). A notable perennial grass, common throughout the state.

### *Other Forage Plants*

The plants used in Nebraska for hay and pasture, in addition to those already mentioned under the grasses, are the clovers and their near relatives.

RED CLOVER (*Trifolium pratense*).—Is a native of the Old World, but it has been grown for a long time in America. For ten or twelve years it has been grown in Nebraska with increasing success. It appears to be one of the best of the introduced forage plants.

WHITE CLOVER (*Trifolium repens*).—Is a native of Europe and America, but not of Nebraska or the plains. However, it thrives here, and soon takes possession of the soil. It affords good pasturage, and yields nectar to the bees from which they make the finest honey.

ALFALFA (*Medicago sativa*).—Is another of the Old World plants which has found a congenial soil and climate upon the Nebraska plains. It yields large crops of hay, especially where the ground is irrigated.

The native SEDGES (*Carex* of several species) and some of the RUSHES (*Juncus* of several species), together with a few other grass-like plants of the lowlands, yield forage in the form of pasturage and hay in considerable amounts.

### *Wild Flowers*

Contrary to the popular notion Nebraska has a rich flora, and its wild flowers include many species whose beauty has commended them to the florist and gardener. It is safe to say that there are at least three hundred species which are notable for their attractiveness. This large number is, however, distributed over so great an area that no locality possesses many of them.

The more important of the wild flowers are the following:

LILIES.—Eight of these are attractive flowers. The most striking are the two species of "Mariposa lilies" whose lavender flowers may be found abundantly in the northwestern part of the state. Much more common, but very pretty, are the two species of "spring lilies" (*Erythronium*), the one a lavender white, the other rarer one a light yellow. The Canada lily and the little white trillium are so pretty as to merit the high place given them among beautiful flowers. The sand lily (*Leucocrinum*) of the western half of the state sends up in early spring its delicate white, fragrant flowers, while in the same region in early summer the stately dagger weed (*Yucca*) rears its tall stem, crowned with its creamy tulip-like flowers.

ORCHIDS.—Nine or ten pretty orchids grow in different parts of the state, but these shy plants are nowhere abundant.

BUTTERCUPS.—About a dozen species of buttercups are known within the state, and there are as many more near relatives, the columbines, larkspurs, anemones, and pretty climbing clematises.

WATER LILIES.—The prettiest of these is the white water lily so much prized by flower-lovers, and the giant water lily (*Nelumbo*) with its light yellow flowers and gigantic leaves.

POPPIES.—Throughout the western half of the state the native prickly poppy is very common, its large, white flowers being conspicuous everywhere upon the high plains. In common with many of the preceding species, it is very generally cultivated in gardens in the older parts of the United States.

CAPERS.—This odd name is applied to a family represented in Nebraska by several very pretty plants: one of the prettiest is the Rocky mountain bee plant, whose pink flowers yield much nectar to the bees.

VIOLETS.—Every spring the hills are dotted over with beautiful prairie violets of several species. Some of these have heart-shaped leaves, while in others they are shaped like the leaves of the larkspur. All are worthy of cultivation in gardens.

MALLOWS.—The eastern resident will see few more interesting plants upon the plains than the native mallows, from the tall growing lavender or blue flowered species to those with bright red flowers. Some of the former have very deep growing, enlarged roots.

CACTUSES.—In eastern Nebraska, on the rocky hilltops, a species of prickly pear grows plentifully, as also in many counties westward to Wyoming. Another species much like it occurs in the western counties only, while a couple of species of melon cactus with spherical stems are common from the central counties westward.

MENTZELIAS.—Several species of Mentzelia with thin, straw-colored, star-shaped flowers, and adhesive leaves, are very abundant in the western counties. They are sometimes known as "star flowers," and have been cultivated in the garden under the name of Bartonia.

EVENING PRIMROSES.—These occur in great abundance throughout the state, and six of the species are very ornamental, having bright yellow flowers an inch or two in diameter. Some of these are common in eastern gardens.

THE ROSES.—No part of Nebraska is without one or more species of wild roses, and in some places these are so abundant that the landscape is made pink by the color of the beautiful flowers which are produced in great numbers. Nearly related to the roses are the cinque-foils of many species, and the well-known wild strawberries, of which we have two species.

LUPINES.—In the western counties several kinds of wild lupines are found, which are very attractive both in flowers and foliage. Related to these are the milk-vetches of many species, some of which are ornamental.

PRAIRIE CLOVERS.—Two species of these plants, the white flowered and the pink flowered, are common everywhere, while three or four more occur in the center of the state and westward. Some of these have long been cultivated in gardens in the east and in the Old World.

MORNING GLORIES.—While some of these are troublesome weeds they are at the same time very pretty ornamental plants. One which does not climb and which is known as the bush morning glory produces fine, large, purple flowers in great profusion. It is worthy of cultivation. It is curious on account of the very large root which it produces, this sometimes reaching the enormous size of five feet in length and a foot in diameter and weighing from fifty to one hundred pounds.

GILIAS.—A few of the many species of Gilia are peculiarly beautiful and have long been grown in gardens under the name Collomia. They occur mainly in the western part of the state.

PENTSTEMONS.—Six to eight species of these beautiful flowers grow in the state, some of them being common everywhere. The finest one is the large flowered species (*Pentstemon grandiflorus*) whose blue-purple flowers are two inches long.

VERBENAS.—Some of our species are coarse and lacking in beauty, but others are low with pretty leaves and flowers, suggesting that they may well be brought into gardens.

SUNFLOWERS.—We too commonly regard all the sunflowers as weeds only, but even the coarsest are not devoid of beauty. The most common species (*Helianthus annuus*) is the parent from which have been derived all the cultivated varieties so common in gardens the world over. The so-called Russian sunflower which is often cultivated for its oily seeds is nothing but a highly improved form of our common species. Other species of sunflowers are somewhat cultivated and are prized for their stateliness, but none are as well known as the common kind mentioned above.

ASTERS.—Of this genus of plants we have many species in the state, several of considerable beauty. They always attract attention, and are deservedly popular with children and other lovers of flowers.

GOLDEN RODS.—Few genera of plants have received the attention bestowed upon that which includes our native golden rods. Their tall wand-like stems, topped with their golden heads, make them striking objects upon the landscape of the plains. We have many species, ranging from the stout and stocky "rigid golden-rod" to the slender "Canadian" species. One of the most graceful of the species, the "tall golden-rod" (*Solidago serotina*), has recently been designated by law as the floral emblem of Nebraska. This really handsome species is a native of all quarters of the state. It attains a height of from three to four or five feet, and has smooth, lance-shaped, taper-pointed leaves. It bears a large, more or less pyramidal cluster of flowers, which lean over somewhat to one side. Nebraska could not have a better floral representative than this sturdy, yet graceful, golden-rod.

### *Weeds*

Upon the open country of the plains, where the winds are almost constantly blowing briskly, seeds of all kinds are much more readily distributed than they are in the wooded regions. This will account for the rapid spread of weeds when once they reach the open country beyond the Missouri river. Then again the whole of the Plains for ages was roamed over by immense droves of buffaloes and antelopes, and later by domestic animals whose range was almost as far as that of their wild relatives. These herds in their rapid and headlong stampedes over the country carried with them the seeds of many plants, thus aiding in their general distribution.

The general fertility and the great uniformity of the soil has had also much to do with the readiness with which weedy plants obtained a foothold in new stations, and from them increased and spread to others.

Naturally, in a region having the area and hypsometrical features of Nebraska, the number of native plants which may become weedy is quite large. A region nearly ten times as large as Massachusetts, and ranging in altitude above the sea from about 900 to more than 5,000 feet, can not fail to have many native weedy plants. By actual count no less than 125 native plants are worthy of being ranked as weeds, but while many of these are among the worst pests of the farm, others simply take possession of the open pasture lands or waste and uncultivated places. The more important kinds are the following:

SQUIRREL-TAIL GRASS (*Hordeum jubatum*).—This appears to have originally inhabited the sandy margins and islands of the streams of the state. It was common also upon the alkaline and salt flats, and from these it spread to the cultivated lands and roadsides almost everywhere. It is one of the most troublesome weeds of the state.

COUCH GRASS (*Agropyrum repens*).—This pest of the eastern farmer is widely distributed upon the plains, but it has not as yet attracted much attention. It is cut for hay, of which it supplies a fair amount of good quality.

PORCUPINE GRASS (*Stipa spartea*).—In the eastern part of the state this is a common weed upon the high prairies, where its sharp, needle-like fruits are very hurtful to sheep. In the western counties it is replaced by the similar needle grass (*S. comata*), which in every way is equally troublesome.

SAND BUR (*Cenchrus tribuloides*).—This grass loves the sandy soil of the large streams, from which it has doubtless spread to the higher lands. It is abundant in the eastern half of the state, and is probably our worst native weed.

SMART WEEDS (*Polygonum acre* and *P. hydropiper*).—Common in the eastern counties.

HEARTSEASE (*Polygonum emersum, P. terrestre, P. incarnatum, P. pennsylvanicum*).—All are troublesome weeds in lowlands.

TUMBLE WEEDS.—Two native plants bear this name, viz., *Corispermum hyssopifolium* and *Cycloloma platyphyllum*. They take possession of the recently plowed land in the central portions of the state, and often completely cover the ground. In the autumn they begin their uneasy career of rolling and tumbling over the plains, dropping their seeds everywhere.

LOW PIGWEED (*Amaranthus blitoides*).—As common throughout Nebraska as purslane (which it much resembles in manner of growth) is in the eastern states.

LOCO WEEDS (*Astragalus mollissmus*) and CRAZY WEEDS (*Oxytropis lamberti*).—These widely distributed plants are generally supposed to cause the disorder known as "loco" which attacks horses and cattle upon the plains. While it is possible that they are innocent of this charge, they are worthless weeds of the uplands, and rich dry bottoms adjacent and should be eradicated.

SHOESTRING (*Amorpha canescens*).—For the farmer who undertakes to break up the upland prairie where it abounds, this is one of the most troublesome plants, its long, deep, tough roots offering a serious obstacle to the work. It abounds throughout the state.

MILKWEEDS (*Asclepias syriaca, A. speciosa, A. incarnata,* and *A. verticillata*).—The first and second are pests in cultivated land, where their deep-lying roots enable them to successfully resist all efforts to dislodge them. Both are widely distributed. The third species occurs along streams and in moist places in the eastern half of the state as a tall weed. The fourth species is a low weed in pastures and meadows throughout the state.

WILD MORNING GLORY (*Convolvulus sepium*).—In the eastern half of the state it is too common in cultivated fields. It appears to be spreading.

HORSE NETTLE (*Solanum carolinense*).—A prickly weed of the eastern counties.

BUFFALO BUR (*Solanum rostratum*).—This most vile weed is apparently an immigrant from the southwest. It occurs now abundantly in all parts of Nebraska and is rapidly extending eastward.

NIGHTSHADE (*Solanum triflorum*).—A low-growing weed spreading eastward from the central portions of the state.

WILD VERBENA (*Verbena stricta, V. hastata, V. urticaefolia, V. bracteosa, V. pinnatifida*).—All are weedy plants. The first occurs in the eastern half of the state on prairies of all kinds; the second and third are confined to the moist lands of the eastern counties; the fourth is a low weed throughout the state, while the last is like it, but confined to the western half of the state.

PRAIRIE PINK (*Lygodesmia juncea*).—Throughout the state this is a persistent weed, about which farmers frequently make complaint.

THISTLES (*Cnicus altissimus, C. undulatus, C. ochrocentrus*).—These native thistles occur as weeds in pastures, and especially upon the rich, unbroken prairies. The first is in the eastern counties, while the second and third are in the central and western portions of the state.

SPANISH NEEDLES (*Bidens frondosa*).—Becoming common in cornfields and by roadsides in eastern Nebraska.

SUNFLOWERS (*Helianthus annuus* and *H. grosseserratus*).—The first is very common throughout the state, being the most conspicuous weed of all vacant places and poorly cultivated fields. The second is a common perennial species in waste places and roadsides in eastern Nebraska. Several other species are occasionally more or less weedy in their habits.

COCKLEBUR (*Xanthium canadense*).—Very common by roadsides and in cornfields in eastern Nebraska. I doubt whether this is a native plant of the state.

RAGWEEDS (*Ambrosia trifida, A. artemisiaefolia* and *A. psilostachya*).—These pests of the eastern half of the state appear like immigrants from the East. They abound by roadsides in the rich moist soils along the watercourses, often attaining a height of from ten to sixteen feet. Two species of Iva (*I. ciliata* and *I. xanthiifolia*), which look so much like ragweeds that they are not easily distinguished by the farmer, are common weeds growing with the preceding in low lands in eastern Nebraska.

HORSEWEED (*Erigeron canadensis*).—A common weed of the prairies and fields in the eastern half of the state. Its little relative, *E. divaricatus,* occurs in similar stations and has about the same range.

IRON WEEDS (*Vernonia fasciculata*).—A troublesome weed in low pastures in the eastern half of the state.

The introduced weeds include some of our most troublesome pests upon the farm, and yet the eastern student will remark upon the entire absence of some of the worst weeds with which he is familiar.

SHEPHERDS PURSE (*Bursa bursa-pastoris*).—Found everywhere in the eastern half of the state.

Russian Thistle (*Salsola tragus*).—Apparently now to be found throughout the state. The mature plant is more or less spherical in shape and consists of many elongated branching twigs which grow outward and upward from the root. When not quite matured the whole plant has a reddish color, but as its seeds ripen it bleaches out and eventually is almost white. Well-grown specimens are from two to three feet in diameter, but where crowded together they may be much less. Each twig and branch is covered on all sides by hard, stout prickles, which are very sharp and very irritating to the touch. These prickles are in threes, that is, there are three together in a place and pointing in different directions. At the upper side of the base of each three prickles there is a seed, and as there are about ten of these to each inch it is easily seen that the seeds produced by every well-grown plant must reach a great many thousands. A calculation made with some care shows that a medium-sized plant contains between 10,000 and 15,000 seeds. Late in the fall, and in the early part of winter, the root breaks off, and the plant is free to roll away with its freight of seeds.

Lambs Quarters (*Chenopodium album* and *C. hybridum*).—The first is found all over the state, while the second has not advanced beyond the eastern counties.

Pig Weed (*Amaranthus retroflexus*).—Common in field and waste places in the eastern half of the state.

Tumble Weed (*Amaranthus albus*).—One of the most common weeds of the recently broken prairie land, almost everywhere in the state.

Purslane (*Portulaca oleracea*).—Now to be found everywhere in the state. It is not only a wayside weed, but a great pest in fields, pastures, and lawns.

Plantain (*Plantago major*).—Now very widely distributed. The narrow leaved plantain *(P. lanceolata)* is appearing in the eastern counties.

Dandelion (*Taraxacum taraxacum*).—In eastern counties and rapidly extending westward.

Creeping Thistle (*Cnicus arvensis*).—This so-called "Canada thistle" has appeared in a few places in the eastern counties.

Burdock (*Arctium lappa*).—Not common and mostly confined to the eastern counties.

Ox-eye Daisy (*Chrysanthemum leucanthemum*).—Appearing in the eastern counties, where it seems to thrive.

## FAUNA[1]

The little work that has thus far been done in Nebraska towards gaining a knowledge of its animal life indicates that our fauna is comparatively rich in species and in many instances in individuals also. In fact, in this respect it seems to be ahead of most of the neighboring states. Several causes for this richness in forms of life may be cited. When we take into consideration the variation in altitude above sea level, the differences in surface configuration, climate, etc., that pertain to the state, its location, and the relation which it bears to the country at large, perhaps the wonderment concerning this great richness will be less. Our southeastern corner is only about eight hundred feet, our western border almost six thousand feet above tide water. The state is divided into timbered, prairie, and plains regions. It lies nearly in the middle of the United States, with a high mountain chain to the west and a giant waterway along its eastern boundary. In fact, in Nebraska meet eastern, western, southern, and northern faunas, while we also have a fauna of our own, so to speak. We find forms belonging to low and high altitudes, to wet and dry climates, to timbered and prairie countries, as well as to semidesert and alkali regions. The sandy interior also offers special features for a distinct fauna.

A casual comparison of past and present conditions shows that the native animals have materially changed since Nebraska was first settled. Many of the earlier forms have disappeared or become much restricted in their distribution. On the other hand, several forms have greatly increased in numbers and have extended their range as well. Less than fifty years ago our plains were covered by immense herds of the bison, or American buffalo, and elk in large bands roamed at liberty throughout the middle and western portions. Both species of deer, the white-tailed or Virginia, and the black-tailed or mule, in considerable numbers, were to be seen in

[1] This description of the animal life of Nebraska is by Lawrence Bruner, B.Sc., professor of entomology and ornithology in the University of Nebraska.—(Ed.)

our woodlands, among the fringes of brush and trees that marked the smaller watercourses, or else lurked in the tall grasses of the sand-hills and other rough portions of the country where they were able to hide during daytime from their lesser enemies. The antelope ranged the prairies at will, even to within a comparatively short distance of our eastern borders. Some mountain sheep, too, were at home in the rougher country in the northwest, while at times small bands of wild horses also galloped over the plains. Coincident and in a measure dependent upon these for their food supply were foxes, wolves, panthers, lynxes, and even a few bears. But all this is now changed. Where the bison, elk, deer, and antelope once browsed our grasses we now have instead herds of cattle and sheep. The larger and fiercer carnivora, along with the forms upon which they were dependent, have been killed or driven away.

The numbers of our smaller mammals, too, have been greatly changed. The beaver, otter, wolverene, badger, and several others of the fur-bearing kinds are now very scarce where they were once common or even abundant. A few of the rodents, such as are favored by the cultivation of the soil and growing of grain, instead of diminishing, have increased. These are forms like the prairie dog, pocket gopher, and ground squirrels, together with some of the mice. Several forms have even come into the state from beyond our borders and are now much at home in towns and cities as well as about our buildings on the farms.

Bird life, too, has greatly changed in Nebraska since the advent of civilized man. Many of our larger and most showy species have nearly or altogether disappeared; while a number of the smaller ones, which were formerly present in flocks of thousands, are now few and scattered. Of the larger species are the wild turkey, cranes, Canada goose, and swans, both the whistling and trumpeter; and of the smaller, birds like the Eskimo curlew, Bartram's sandpiper and golden plover. Then, too, the Lesser prairie hen, which was occasionally taken in the middle and upper portions of the Elkhorn valley, seems to have almost or quite disappeared from the state.

Notwithstanding the ravages that have been wrought by the thoughtless upon the bird life as formerly found within our borders, we still lead our sister states in the number of distinct species which are regular or incidental to our fauna. The partial, but rather careful study which has already been made has brought to light fully 415 or perhaps 420 recognized forms. Many of these are exceedingly valuable, and most of the others notably beneficial as insect destroyers or eaters of the seeds of noxious weeds, and only a few—less than half a dozen species—definitely harmful. Owing to the persistent efforts of our teachers, backed by the various members of the Nebraska Ornithologists' Union, a majority of our leading citizens, and the state press generally, a very strong sentiment in favor of bird protection is being established here. It is to be hoped that this sentiment will be a guaranty of the future protection and increase of our feathered friends.

Our fishes, while not numerous in individuals in every case, are neverthless quite plentiful in distinct kinds. Some new and valuable forms have been added in the past and are annually being added to suitable waters. Just how many distinct forms occur in the waters of Nebraska is not even a matter of conjecture, since little or no effort has as yet been made towards a systematic collection of the forms found in any one stream, to say nothing of the numerous watercourses of the state.

The batrachians, reptiles, and ophidians are also quite well represented when we take into consideration the conditions under which these various animals must exist. Only the latter, however, have received anything like a moderately careful study. In 1901 W. Edgar Taylor, at that time professor of natural history in the State Normal school at Peru, prepared a paper on this group which was published in connection with the report of the State Board of Agriculture for that year. In this treatise twenty-five varieties are described. Although incomplete, it answers fairly well as a good beginning towards a knowledge of our snakes.

Such other animal forms as the mollusks, crustaceans, vermes, etc., along with the myriapods, arachnids, and insects, which form by far the larger percentage of the animal life of any region, are still much less known. Notwithstanding this comparative lack of knowledge on the part of the students of natural history concerning the life indigenous to the state, enough is known to warrant the statement that all of these are also well represented in every section of Nebraska. Of course the necessary investigations regarding the presence and ravages of harmful insects, which have been carried on from time to time in various regions during different years, have supplied the data for some working knowledge of these creatures. Aside from this cursory work, however, no systematic attempt has been made towards learning just what forms are to be found here, or what part the different kinds take in the economy of nature. In the very few isolated groups that have been at all carefully studied the results show much larger lists than were expected. For example, the butterflies number about one hundred and forty distinct kinds; the grasshoppers one hundred and eighty; the tiger beetles approximately forty, the bees several hundred, etc. Taken together, perhaps, our complete list of insects when made out will be in the neighborhood of from twelve thousand to fifteen thousand species. Then to these must be added something like five or six hundred spiders and other arachnids, seventy-five myriapods, and an indeterminate number of parasitic worms, crustacea, and other minute forms which live in the soil and water.

Among the insects that are of especial interest, for one reason or another, such pests as the destructive grasshoppers, or locusts, the chinch bug, the army worm, codling moth, tent caterpillar, cut-worms, June beetles, Colorado potato beetle, squash bug, and, in fact, most of the other recognized pests of this class, figure conspicuously. Some of these are native to the state, while others have been introduced from regions beyond our borders. Commendable interest is taken by both our horticulturists and agriculturists towards their suppression, and a continual warfare is being waged against them. Aside from the large number of destructive species that are indigenous to the state we are also favored with equally large numbers of predaceous and parasitic forms which are doing their share toward keeping in check the harmful ones referred to above. Thus it is that the natural balance is, in a measure, maintained among these numerous kinds of animals which are at home in our state.

The arachnids of interest are such forms as at least one species of tarantula, one or two scorpions, two or three solpugids, these latter related to both the spiders and scorpions, and several of the really poisonous spiders. Besides these, wood-ticks, false scorpions, jiggers, and a number of parasitic mites that infest various animals, causing a disease commonly termed mange or itch, abound.

Myriapods like the centipede are found in some sections, while the "thousand-legged worms" are not uncommon in many others. One group of these myriapods is represented by forms which possess but a single pair of legs to each segment of the body, and it is among these that the poisonous forms occur. All of these are carnivorous and feed upon various insects and other small animals. The second group has its members provided with two pairs of legs to each segment, and are all vegetable feeders to a great extent at least. These latter are not considered poisonous although they look repulsive. One species at least possesses illuminating powers, being provided with light-producing organs in the form of small circular spots near the side of each segment above. When crawling about after dark these lights appear as two rows of moving, small, fiery beads.

Since a fairly thorough knowledge of the zoology of any region is of much economic importance to the tillers of the soil, such information is especialy valuable to a state where almost the sole calling of the citizens is agriculture. It is to be hoped, therefore, that in time some provision other than that dependent upon the mere love of a few individuals for such investigations will be provided.

# CHAPTER II

## ABORIGINAL OCCUPANTS[1]—SPANISH AND FRENCH EXPLORERS—AMERICAN EXPEDITIONS—FUR TRADE—FIRST SETTLEMENTS

THE natural tendency of migration since history began has been westward; and the movements of the Amerind are not an exception to this general rule. As the streams which drain North America have a general trend from north to south, and as the rule for human activity is to proceed along the lines of least resistance, it might be supposed that the Amerind would follow up these streams and change the general order by moving forward from south to north or from north to south. There was a stronger influence than the mere contour of the land which drew the tide of emigration, although this had its effect to such an extent that the route of travel had a west-by-northwest trend. The food supply became the main factor in determining the direction of migration. The buffalo, which though indigenous to the whole central region of North America were partial to the open country, enticed the Indian to the Nebraska plains which they possessed in vast herds. This useful animal was the source of supply for every want: food from his flesh, raiment and shelter from his hide, implements from his bones, vessels for holding liquids from his intestines, and fuel from his dung. The buffalo made it possible for great numbers of Indians to subsist in comparative ease on the treeless plains of Nebraska. How much of the food supply of the aborigines, before the advent of the buffalo, may have been derived from agricultural pursuits is unknown; but it is certain that as the tribes spread westward and the buffalo became more numerous agriculture decreased, until, when white settlers first came in contact with the tribes of Nebraska, little attention was given to it.

By far the greater number of Indian tribes, which have inhabited the territory that now comprises Nebraska, followed this general rule of migration from east to west. These tribes belonged to two linguistic families, the Algonkian[2] and Siouan. Both of these great families sprang from the region east of the Appalachian mountains and in turn occupied nearly the whole of the Mississippi valley.

The first occupants of Nebraska did not follow this rule. The Caddoan linguistic family had its home in the south near the banks of the Red river, and migrated northward, occupying the valleys of the Kansas river, and reaching northward to the valley of the Platte river and westward to the foothills of the mountains. Two other linguistic families, the Shoshonean and Kiowan, encroached on our territory from the west. They hunted along the headwaters of the Republican and Platte rivers, and claimed part of the territory of this state, but few, if any, ruins of their permanent homes are found within its present limits. Only these five linguistic families were found in Nebraska, and but two of them, the Caddoan and Siouan, are of importance to our history. Tribes of these two families had their permanent habitat within the state, and fought with one another and among themselves for supremacy on our eastern border and along the Platte valley.

The original home of the Caddoan linguistic family was on the Red river of the south.

[1] This classification of Indian tribes and bands should be credited to Mr. E. E. Blackman, archeologist of the Nebraska State Historical Society; and the particulars as to the numbers and location of certain tribes, before the organization of Nebraska territory, to a paper by Clyde B. Aitchison.

[2] In the spelling of the names of Indian tribes it has been found more practicable to follow the Standard dictionary than the diverse and contradictory usage of scientific writers in the reports of the Bureau of Ethnology.—(Ed.)

TYPES OF NEBRASKA INDIANS

Engravings from original photographs copyrighted by F. A. Rinehart, Omaha

Prior to the year 1400 one band, known as the Skidi, branched off from the main stock and drifted to the Platte valley. The exact line of migration is difficult to determine, but a tradition says this tribe lived as allies of the Omahas near the mouth of the Ohio river. It is not impossible that they may have followed up the Missouri river in coming to the Platte valley, where, according to Dunbar,[1] they were located in 1400. Prior to 1500 another band branched off from the main stock and drifted northward to a point near the present Kansas-Nebraska line. Here the Wichitas turned back and went south, while the Pawnees moved northward and occupied the Platte valley and intervening country. In 1541 Coronado found the Wichitas near the Kansas river and sent a summons to the "Lord of Harahey" (the Pawnee) to visit him, which he did with two hundred naked warriors.[2] This is the earliest authentic record of Indian occupancy of Nebraska. This is the first time civilized man (if we can call Coronado's followers civilized) ever saw an Indian from what is now Nebraska. All history before this is legendary, and legendary history is so conflicting that we may only say that it is possibly true.

MARPIYA LUTA (RED CLOUD)[4]
CHIEF OF THE OGALLALA SIOUX, AT THE AGE OF SEVENTY YEARS
From a photograph owned by Mr. A. E. Sheldon.

How far Onate penetrated in his trip northeastward from New Mexico, in 1599, is difficult to determine. He says he visited the city of Quivera, which was on the north bank of a wide and shallow river (very like the Platte). He says he fought with the "Escanzaques" and killed "a thousand." This battle may have been in Nebraska. Penalosa also claims to have visited the same locality in 1662, to have met the "Escanzaques," and to have beaten them in a like encounter.[3] When these brief glimpses into Spanish history are substantiated by further research we may be able to add some early data bearing on Indian occupancy of Nebraska.

The Pawnees (proper), consisting of three main tribes, the Choui (or Grand), the Pita-how-e-rat (or Tapage), and the Kitke-hak-i (or Republican), emigrated to the Platte valley prior to 1500. They held the country fifty miles west of the Missouri river, and eventually conquered the Skidi band, which had come here a hundred years before, and adopted it into their own tribe. Before the Pawnees

[1] *Mag. of Am. Hist.*, vol. 5, p. 321.
[2] *14th Ann. Rept. Bureau of Ethnology;* Harahey, vol. 2, p. 68.
[3] See J. W. Savage, *Rept. Hist. Soc.*, vol. II, p. 114.
[4] Marpiya Luta (Red Cloud), chief of the Ogallala Sioux, was born in May, 1821, on the banks of Blue creek in what is now Deuel county, Nebraska. At sixteen he first went out with a war party and received his present name. During the next twenty years a successful leader in the Sioux wars against the Pawnees, Crows, and Shoshones. Killed Bull Bear, a prominent Sioux chief, in a tribal feud about 1845. One of the Sioux field generals in wars with the United States 1864–68. Planned the fight at Ft. Phil Kearney, December, 1866, in which ninety-six soldiers were slain. Abandoned the war path in 1869 and has been at peace with the whites since. Prominent in all the treaties and councils of his tribe since then. For many years leader of opposition to U. S. Indian agents. Has been to Washington sixteen times. His home for the past twenty-five years has been a small frame house near Pine Ridge agency. Serious and earnest in speech; shrewd and wary in the field and council. At present (1904) totally blind and nearing his end. The above picture shows him as he was in the autumn of 1890—just before the last Sioux war.—(A. E. Sheldon.)

came, however, a band called Arikara had drifted away from the Skidi band and established itself on the Missouri river, but out of the bounds of Nebraska. The Arikaras came into Nebraska and lived with the Skidi tribe for three years, from 1832 to 1835, when they returned home.

In the *Huntsman's Echo* of February 21, 1861, the editor thus perspicuously describes the condition of the Pawnees on their reserve at Genoa, as he had ascertained it by a visit there a few days before:

"The Pawnees number at present about four thousand souls and a fraction over, and when 'at home' live in a cluster of huts built with crotches and poles, covered, top and sides, with willows, then with grass and dirt, giving the appearance at a little distance of an immense collection of 'potato hills,' all of a circular shape and oval. The entrance is through a passage walled with earth, the hole in the center at top serving both for window and chimney, the fire being built in the center. Along the sides little apartments are divided off from the main room by partitions of willow, rush or flag, some of them being neatly and tidily constructed, and altogether these lodges are quite roomy and comfortable, and each is frequently the abode of two or more families. In these villages there is no regularity of streets, walks, or alleys, but each builds in a rather promiscuous manner, having no other care than to taste and convenience. The tribe is divided into five bands, each being under a special chief or leader, and the whole confederation being under one principal chief. Each band has its habitation separate and distinct from the other, three bands living in villages adjoining and all composing one village, the other two villages, some little distance. There is frequently some considerable rivalry between the several bands in fighting, hunting, and other sports, and not infrequently one band commits thefts upon the effects of another."

At this time, we are told, the Pawnees had several thousand horses, but owing to the hard winter hundreds had died from sore-tongue and other diseases. The animals lived out all the winter upon the dry grass; but if the snow was too deep for them to reach it, cottonwood trees were cut down and the horses would subsist upon the bark. These horses were above the luxuries of civilized life, and refused to eat corn when it was placed before them. They were valued at from thirty to sixty dollars each.

The Pawnees at this time usually took two general hunts each year in which all the people, old, young, great, and small participated, abandoning their villages to go to the buffalo range. From the spoils of the summer hunt they made jerked meat and lodge skins; and from those of the fall hunt, in October and November, they made robes, furs, tanned skins, and dried meat. These Indians had a field of considerable extent near each village where the land was allotted to the various families, and goodly quantities of corn and beans were grown. With these and a little flour and sugar they managed to eke out a miserable existence, sometimes full-fed and sometimes starved.

"The females are the working bees of the hive; they dig up the soil, raise and gather the crops, cut timber and build the lodges, pack wood and water, cook, nurse the babies, carry all the burdens, tan the skins and make the robes and moccasins. The lords of the other sex recline by the fire or in the shade, kill the game and their enemies, do the stealing and most of the eating, wear the most ornaments, and play the dandy in their way to a scratch. They are of a tall, graceful, and athletic figure, as straight as an arrow and as proud as a lord, whilst the squaws are short, thick, stooping, poorly clad, filthy, and squalid. Parentless children and the very aged are sometimes left behind, or by the wayside, to perish as useless."

Pike visited the Republican Pawnees in 1806; they dwelt near the south line of the state until about 1812, when they joined the rest of the band north of the Platte river. Dunbar[1] gives the location of the various tribes in 1834: the Choui band resided on the south bank of the Platte, twenty miles above the mouth of the Loup; the Kit-ke-hak-i lived eighteen miles northwest, on the north side of the Loup; the Pita-how-e-rat, eleven miles farther up the Loup, and the Skidi, five miles above these; and he says they changed their

[1] *Mag. Am. Hist.*, vols. 4 and 5.

1. Pawnee earth lodge circular in form, supported by a circle of heavy upright pillars, the wall formed of upright, slightly inclined poles covered with earth; the roof, dome-shaped, with an opening at the apex for ventilation and light. At the left of the engraving is a summer or temporary lodge. In the foreground is seen the framework of a sweat lodge. 2 West side of interior of Pawnee earth lodge Fireplace in center, the smoke from which is directed by a skin or blanket, supported on the windward side of the roof by three sticks. In the background is seen the family altar made of sod, near which stands the sacred drum; above the altar generally hung the sacred bundle. The beds are arranged about the wall. 3. Omaha earth lodge. This particular lodge existed some years ago twelve miles north of Omaha. 4. Santee Sioux tepee. 5. Rear view of Winnebago bark lodge.—Photos 1, 2, by Melvin R. Gilmore, Bethany, Nebraska; 4, by U. G. Cornell, Lincoln, Nebraska; 5, A. E. Sheldon, Lincoln, Nebraska.

ILLUSTRATIONS OF INDIAN HOUSE ARCHITECTURE AMONG THE PLAINS TRIBES

villages every eight or ten years. In 1833 the Pawnees ceded the territory south of the Platte to the United States. In 1857 they ceded the territory north of the Platte, except their reservation in Nance county. The territory ceded, according to Chas. C. Royce,[1] embraced the central third of the entire state. The reservation above mentioned was ceded in 1876, and the Pawnees were taken to Indian Territory, where they now have a reservation.

The various branches of the Siouan linguistic stock have come to this state at five different times. The first were the Mandans, whose coming is shrouded in antiquity. Catlin claims to have traced their earthworks and habitat down the Ohio river and up the Missouri.[2] McGee says the Siouan family began to cross the Appalachian mountains one thousand years ago. The Mandans were among the first to break off from the parent stock, and the only excuse we have for including them in our history is the probability that they crossed our borders on their way up the Missouri river some time prior to the coming of the Skidi band in 1400.

McGee says the Omaha tribe was near the mouth of the Ohio river in 1500, so its coming to Nebraska must have been after that date. It is traced quite accurately up the Missouri and Des Moines rivers to its present home in the northeast part of Nebraska. The Osage tribe branched off and remained at the Osage river. The Kansas tribe came on to the Kansas river, and there established its permanent habitat. The date of the arrival of the Kansas tribe is sufficiently early to allow the "Escanzaques" of Onate to be regarded as Kansas Indians. The Omahas and Poncas remained together until about 1650, when the latter moved northward and occupied the country from the mouth of the Niobrara west to the Black Hills. By the treaty of March 16, 1854, the Omahas ceded the northeast third of the present state to the United States, excepting that part north of a line drawn due west from the mouth of the Aoway river. That tongue of land which was added to Nebraska in 1890, by authority of the act of Congress of March 28, 1882, and which lies between the Niobrara, Keya Paha, and Missouri rivers, was ceded by the Poncas in 1858, except a small reservation. In 1877 the Poncas were moved to Indian Territory.

The Dakota City *Herald*,[3] in noting that the Omahas had just received their annuity on their reservation from Captain Moore, Indian agent, makes the following observation as to their condition: "They are being gathered to their fathers fast, very fast, as they now number only 964 savage souls. The amount of their payment was $23,000 and averaged about $24 a head. Since Uncle Sam supplied them with a few 'scads' they have paid frequent visits to our town, and laid something out for the purpose of laying something in." From the observant editor's remarks it appears that the Indians did not confine their inebriety to alcoholic drinks. He relates that "five of these red sons of the forest, two red squaws in red blankets, and one pale red papoose put up at the Bates house on Sunday night for supper." They had a table by themselves, by courtesy of the landlord, and, "in the language of the Arkansas bride, 'they sot and sot' until they stowed away everything eatable within reach or sight. Seventy-seven cups of coffee were drank at the sitting, and but one, a young squaw, gave out. After getting down seven cups she failed on coffee; the others kept on until the kettle gave out. When the meal was over they paid the landlord two bits apiece and departed."

The third detachment of the Siouan family to occupy Nebraska consisted of three tribes, the Otoe, Missouri, and the Iowa. The Otoes and Iowas have always been closely related. They were first seen at the mouth of the Des Moines river by Marquette in 1673. They are said, by tradition, to have sprung from the Winnebago stock. It is stated that in 1699 they went to live near the Omahas. The Missouris have had a very checkered career. They were first seen in 1670 at the mouth of the Missouri river. Soon after 1700 they were overcome by the Sac and Fox and other

[1] *18th Rept. Bureau of Ethnology*, pt. 2.

[2] Catlin, North American Indians.

[3] November 19, 1859.

tribes. Most of them joined the Otoe tribe, but a few went with the Osage and some joined the Kansas tribe. They have never ceded land to the United States except in company with the Otoes, but they have been a party to every Otoe transaction. To all intents and purposes the Otoes and Missouris have been as one tribe during their occupancy of this state.

The Otoes and Missouris ceded the southeast portion of the state to the United States in 1833; this cession embraced the land south and west of the Nemaha. The remaining portion of land which they claimed lay between the Nemaha, Missouri, and Platte rivers, reaching as far west as Seward county. This last tract was ceded in 1854, when they returned to their reservation south of Beatrice. This they relinquished in 1881, and they now live in Indian Territory. Most of the Iowas remained east of our border until 1836, when they were given a tract of land along the south bank of the Nemaha. This they retained in part in individual allotment, but they remain under the Great Nemaha agency. This tribe was always closely associated with the Otoe, but was never under the same tribal organization as was the Missouri tribe. All three tribes belonged to the same branch of the Siouan family as the Winnebago.

SENTEGALESKA (SPOTTED TAIL,)[1]
HEREDITARY CHIEF OF THE SIOUX
Photograph owned by the Nebraska State Historical Society

These cessions gave the United States title to the east two-thirds of the state. The earliest treaty by which they acquired title to land in this state was made with the Kansas in 1825; by this treaty the Kansas ceded a semicircular tract along the south line, reaching from Falls City to Red Willow county and nearly as far north as Lincoln. So it seems that the Kansas at least laid claim to part of our territory.

The next detachment of the great Siouan family to invade Nebraska was from the northern branch of this tribe which dwelt along the Great Lakes. The Assiniboins had separated from this branch as early as 1650, and, according to McGee, were near the Lake of the Woods in 1766, so they had not long wandered over our soil when written history began.

The Pawnees and Omahas joined in repelling the advance of these northern tribes and held them well back from the waterways for many years, but they hunted on the head-waters of the Platte and Republican and even as far south as the head-waters of the Smoky Hill and Solomon rivers. The Crows were doubtless the first to encroach on the Platte

[1] Seutegaleska (Spotted Tail), a Brulé Sioux chief of northwestern Nebraska, came up from the ranks and attained the greatest distinction recorded in the annals of the red man. When eighteen years of age he engaged a subchief in deadly combat, which first brought him into prominence. He rapidly gained prestige until he was chosen hereditary head chief of the entire Sioux nation. In 1872 he was taken to Washington as a delegate, and in 1876 he was crowned "King of the Sioux," by General Crook, an office which he filled with dignity.

Spotted Tail was often called upon by the government to negotiate peace with the hostile tribes of the Northwest, in which he was very successful, many lives and much property being saved by his conciliatory offices. He was always friendly to the whites, advised his tribe wisely, and was one of the very few Indians who could be trusted all the time.

On the 5th of August, 1881, Spotted Tail was murdered by Crow Dog, one of his subchiefs. A feud had long existed between them, and when the chief refused to permit Crow Dog to go on the hunt with the rest of the tribe, the latter drove to the chief's tepee, and calling him out, shot him. This occurred at the Rose Bud agency, as Spotted Tail was preparing to again visit Washington.—(E. E. Blackman, archeologist, Nebraska State Historical Society.)

A GROUP OF WINNEBAGO INDIAN CHIEFS, WITH THEIR AGENT, ROBERT W. FURNAS, TRADER MAJOR F. J. DEWITT, AND INTERPRETERS
Engraving from a photograph taken in New York City in 1866, and owned by the Nebraska State Historical Society.

valley; they drifted to the Black Hills in an early day and hunted on the Platte from the northwest. The Blackfeet, a branch of the Saskatchewan tribe, came later. The Yankton, Santee, Brulé, Sisseton, Ogallala, Teton, Minnetaree, and parts of other tribes from time to time hunted or fought on the head-waters of the Platte. They joined in ceding the northwest part of the state to the United States in 1868, reserving for themselves a common hunting right, which they relinquished in 1875. They are now on the various reservations in Dakota and Indian Territory.

The Winnebagos were the last of the great Siouan family to come; they were moved from Minnesota to a part of the Omaha reservation in 1862, where they still reside. Schoolcraft says this tribe once lived on a branch of the Crow Wing river in Minnesota. Some of the Santee Sioux were moved to Nebraska at the same time, but many of both tribes came across the country before.

To the Algonkian family belong the Cheyenne, Arapaho, and Atsina, who wandered over the western part of Nebraska, as did the Sac and Fox tribe, which had a reservation in the extreme southeast part of the state from 1836 to 1885. The Algonkian family once occupied the greater part of the Mississippi valley. At a very early date the Cheyennes drifted westward through the Dakotas and gave their name to one of the important streams. Later they drifted southward. Lewis and Clark mentioned this tribe as occupying a position on the Cheyenne river in 1804, while Long in his expedition of 1819 found a small band which had seceded from the main stock on the Cheyenne river, and had roamed with the Arapaho along the Platte river. There is a record, by Frémont, of this tribe being on the Platte above Grand Island in 1843. They ceded the southwestern portion of Nebraska in 1861.

The Arapahos, like the Cheyennes, occupied Nebraska as a roaming tribe. The impression left by the very limited number of writers who have spoken of them seems to be that they came from the north. They were pressed by the Sioux from the east and by the Shoshoneans from the west. The date of their coming to Nebraska is obscure. The time of their separation from the eastern parent stock is shrouded in antiquity, and as early travelers found them a wild race, and not easy to study, little of their early history is recorded. They joined the Cheyenne and Arkansas Indians in ceding to the United States government the extreme southwest portion of Nebraska. So far as can be learned the Arkansas never occupied any part of Nebraska. The Atsinas were closely allied to the Blackfeet (Siouan) and, since whites have known them, have affiliated with that tribe. They are distinctly Algonkian, however, and have a legend telling how they came to separate from the Arapahos.

As stated above, the Algonkian stock occupied most of the Mississippi valley at one time. The United States purchased all of Missouri north of the river, most of Iowa, and a part of Illinois, Wisconsin, and Minnesota from the Sacs and Foxes. They seem to have been the original owners of the Mississippi and Missouri front, and the Siouan tribes as they drifted westward doubtless had them to deal with. This may account for the movement westward of the Otoe and the Kansas tribes across the river. The Sacs and Foxes relinquished their possessions and retired to a southern reservation, excepting a band who took a reserve on the Great Nemaha river, partly in Nebraska and partly in Kansas, and which remains in the Great Nemaha agency.

Powell[1] does not believe that the Shoshonean family occupied a part of Nebraska, and it is doubtful whether any part of this family had more than a transient home within the state. It is certain that the Comanches roamed over our territory, and doubtless the "Padoucas" once had a more or less permanent home here; at least the north fork of the Platte river was known in the early days as the Padouca fork. Mooney[2] says: "In 1719 the Comanche were mentioned under their Siouan name of Padouca as living in what is now western Kansas. It must be remembered that five hundred to eight hundred miles was an ordinary range for a plains

[1] *7th Ann. Rept. Bureau of Ethnology*, p. 109.

[2] *14th Ann. Rept. Bureau of Ethnology*, pt. 2, p. 1044.

tribe, and the Comanches were equally at home on the Platte or in Chihuahua (Mexico)." The great Shoshonean family occupied the mountain country from the south line of Oregon to the north line of Arizona, and extended from the Pacific coast at the southwest corner of California nearly to the west line of what is now Nebraska. They were a powerful and numerous people. Later the Siouan bands drove the Comanches south and the other branches of the Shoshonean family west and north. Lewis and Clark in 1805 mention the Padoucas as extinct except in name. Bourgmont visited the Padoucas on the head-waters of the Kansas in 1724. The Comanches and the Kansas were closely associated for one hundred and fifty years, says Mooney.[1] There is no record that the Comanches ever ceded any part of this state to the United States.

About 1700 a tribe of the Kiowan family migrated from the far northwest and took up a residence in the vicinity of the Black Hills. From there they were driven by the Siouan tribes, and Lewis and Clark mention them as residing on the north fork of the Platte in 1805, and numbering seventy tepees. They slowly drifted southward until they occupied the country south of the Arkansas river. As this tribe never lived far from the mountains, their occupancy of Nebraska was but transient. Powell[2] shows this linguistic family as occupying the extreme southwest part of Nebraska, but there is no record that they ever ceded any part of the state.[3]

There was a "half-breed" tract situated between the Nemaha and Missouri rivers set apart in 1830, intended for the home of civilized Indians belonging to the Omaha, Iowa, Otoe, Yankton, and Santee Sioux half-breeds.[4] The Pine Ridge and Rosebud agencies are located just north of the north line of Nebraska, in South Dakota, and the Indian title to a narrow strip adjoining in this state is not yet extinguished. There are titles in the old Sac and Fox and Iowa reservation, in Richardson county, still vested in Indians, and a few live there. The Santee agency, near Niobrara, still maintains an agent who reports to the commissioner of Indian affairs for this tribe and also for the Ponca subagency, situated twenty miles west between the Niobrara and Missouri rivers. The Indians at these agencies, together with the Omahas and Winnebagos, in Thurston county, are the only Indian wards of the government in Nebraska at the present time. According to the census of 1900 there were 3,322 Indians in the state

[1] *14th Ann. Rept. Bureau of Ethnology.*

[2] *18th Ann. Rept. Bureau of Ethnology.*

[3] The following is a summary of the foregoing classification of the Indian tribes of Nebraska:

CADDOAN FAMILY
- Skidi
- Arikara
- Pawnee
  - Choui
  - Pita-how-e-rat
  - Kit-ke-hak-i

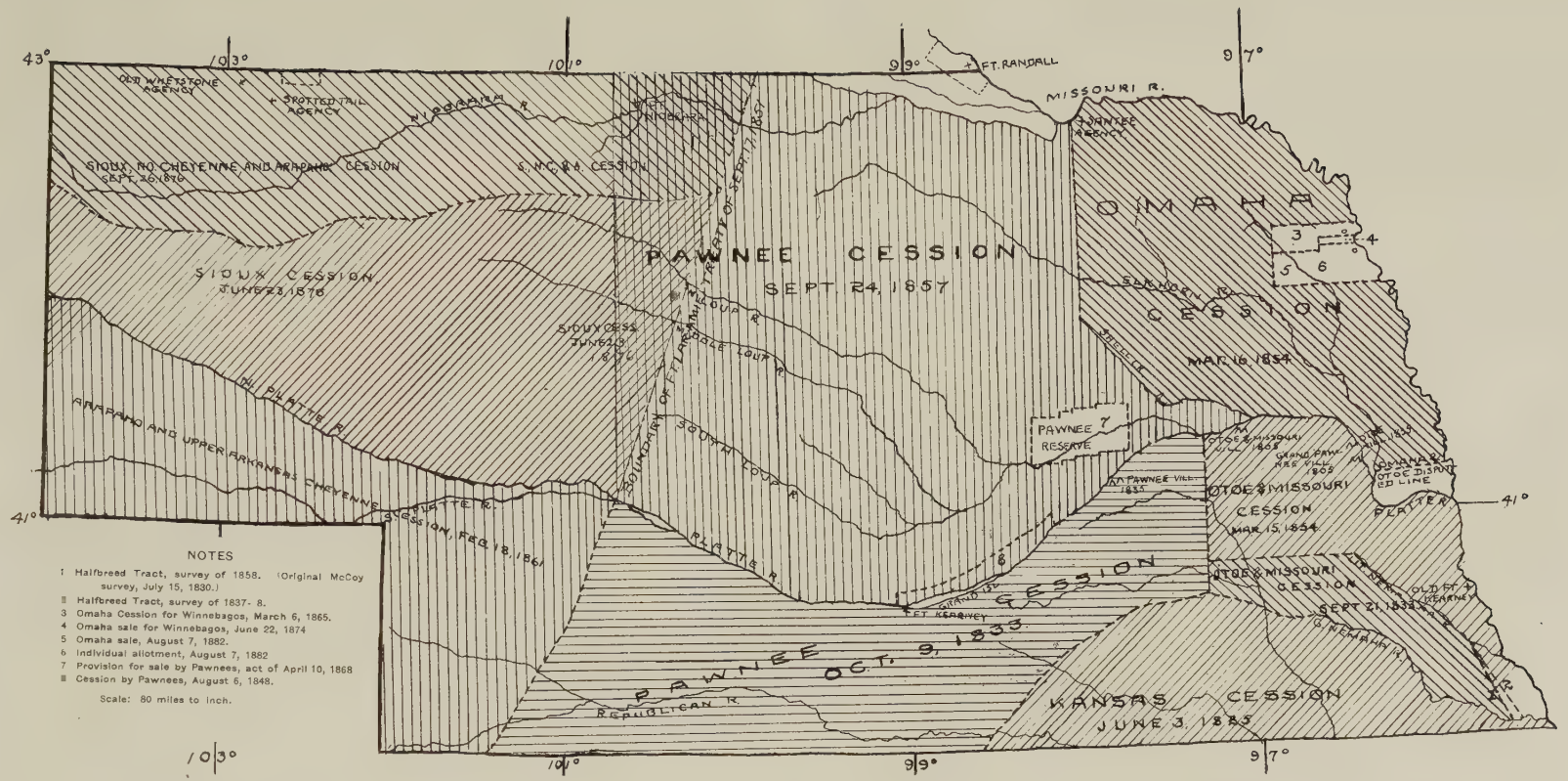
SIOUAN FAMILY
- Dakota
  - Santee
  - Sisseton
  - Yankton
  - Teton
    - Brulé
    - Blackfeet
    - Ogallala
- Thegiha
- Omaha
- Ponca
- Kansas
- Tciwere
- Iowa
- Otoe
- Missouri
- Winnebago
- Mandan
- Hidatsa (Minnetaree or Gros Ventres)
- Crow

ALGONKIAN FAMILY
- Cheyenne
- Arapaho
  - Atsina
- Sac and Fox

SHOSHONEAN FAMILY
- Comanche

KIOWAN FAMILY

[4] The Nebraska *Advertiser* (December 20, 1856) gives the following historical sketch of the half-breed reservation: "In the year 1830 the United States entered into a treaty at Prairie Du Chien with several tribes of Indians in which the Indians made two reserves, one at Lake Pippin, the other between the two Nemaha rivers, for the benefit of the half-breed Iowas, Otoes, Omahas Yanctons and Santee bands of Sioux, the Indians themselves selecting the reserves as named above, to be owned, occupied or held by them as other Indian lands, during the pleasure of the president of the United States, and by him held in trust to be divided equally among them when he saw proper. An act of congress in 1854 required him to have the land surveyed and consummate the treaty. The survey has been made and the 'Nemaha reservation' found to contain 162 sections. The census is now being taken of the different half-breeds entitled to a portion, that it may be equally divided; when completed the land will be equally apportioned to each half-breed and he be at once placed in possession of a deed in fee simple. The number of half-breeds will be found much larger than anticipated, and consequently the amount of land to each less—probably not over a hundred acres to each. There is now quite a large number of half-breeds on this reserve, many of them men of considerable means, and they are driving ahead quite briskly in the way of improvement, such as opening farms, and erecting machinery of various kinds. They have one thriving little town, we learn, at the mouth of the Big Nemaha. This is considered, and really is, one of the most desirable tracts of land in Nebraska. Many depredations have been and are yet being made upon these lands by white settlers. We caution such persons against committing trespass by removing stone, coal, timber or other valuables, as the 'Intercourse law' is severe, and is required to be put in force rigidly by agents, or other officers."

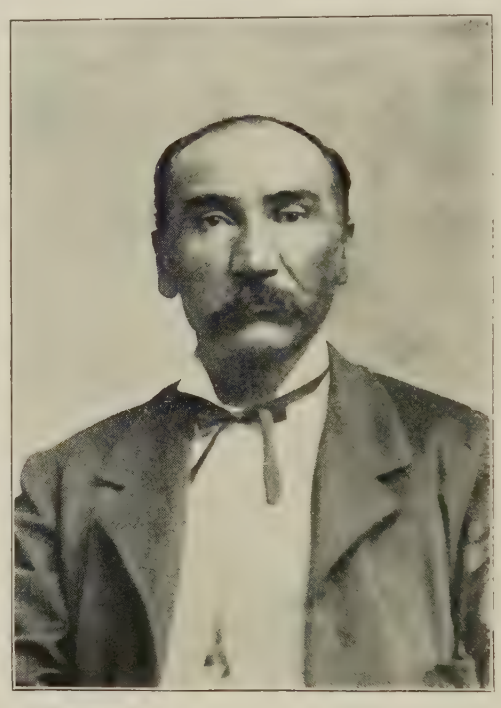

43°
103°
101°
99°
97°
41°
FT. RANDALL
MISSOURI R.
OLD WHITESTONE AGENCY
SPOTTED TAIL AGENCY
NIOBRARA R.
SIOUX, NO CHEYENNE AND ARAPAHO CESSION SEPT. 20, 1876
S. NC & A. CESSION
SIOUX CESSION JUNE 23, 1876
PAWNEE CESSION SEPT. 24, 1857
BOUNDARY OF FT. LARAMIE TREATY OF SEPT. 17, 1851
SIOUX CESS. JUNE 23, 1876
SOUTH FORK LOUP R.
LOUP R.
PAWNEE AGENCY
OMAHA CESSION MAR. 16, 1854
SUNDERLAND R.
BRAZEE R.
PAWNEE RESERVE
ARAPAHO AND UPPER ARKANSAS CHEYENNE
SOUTH PLATTE R.
CESSION, FEB. 18, 1861
OTOE & MISSOURI CESSION MAR. 15, 1854
PLATTE R.
OTOE & MISSOURI CESSION SEPT. 21, 1833
OLD FT. KEARNEY
G. NEMAHA R.
PAWNEE CESSION OCT. 9, 1833
FT. KEARNEY
REPUBLICAN R.
KANSAS CESSION JUNE 3, 1825
NOTES
1 Halfbreed Tract, survey of 1858. (Original McCoy survey, July 15, 1830.)
II Halfbreed Tract, survey of 1837-8.
3 Omaha Cession for Winnebagos, March 6, 1865.
4 Omaha sale for Winnebagos, June 22, 1874
5 Omaha sale, August 7, 1882.
6 Individual allotment, August 7, 1882
7 Provision for sale by Pawnees, act of April 10, 1868
8 Cession by Pawnees, August 6, 1848.
Scale: 80 miles to inch.

INDIAN LAND CESSIONS AND RESERVES

The above map marks the several cessions of lands by the Indians within the present state of Nebraska. Explanatory names and dates have been added to the map as it appeared in outline in the eighteenth annual report of the Bureau of American Ethnology. The "boundary of Ft. Laramie treaty of 1851" marks the east border of the possessions of the Sioux nation as determined by that treaty. The Ponca reserve was situated between the Niobrara river and the stream next above it—Ponca creek—near their junction with the Missouri, and it was part of the territory originally claimed by that tribe. The small reserve of the Sac and Iowa tribes should be in the extreme southeast corner of the map. In note No. 7 the date should be April 10, 1876.

against 2,685 in 1890. Three Indian schools are maintained by the federal government in this state, on the Santee, Winnebago, and Omaha reservations respectively, while a boarding school for Indians is situated at Genoa, in Nance county.

All tribal lands, except a small part of the Omaha reservation, have been allotted in severalty, and all Indians are taxed as citizens of the state. The Omahas now number twelve hundred and the Winnebagos eleven hundred. The Omahas are of a higher grade of development and civilization and are slowly increasing in numbers. In their married relations they observe the principle of monogamy with creditable faithfulness, and they are inclined to hold on to and to cultivate their lands. The Winnebagos, on the other hand, live much more loosely in this respect; comparatively few of them are lawfully married, and they have but little regard for the marriage bond. They are much less persistent than the Omahas in holding on to their lands, and less regular and industrious in their habits. All the lands of the reservation, except a few hundred acres of a very poor quality, have now been allotted. Under the law lands which have been allotted can not be alienated by the original grantees nor by their inheritors as long as there are minor heirs. Thus far this class of lands amounts to about ten per cent of the total allotment, or about fifteen hundred acres. As late as 1846 there were only a very few white settlers, scattered here and there, in that part of southwestern Iowa bordering on the Missouri river. By the treaty of September 26, 1833,[1] five million acres of land in southwestern Iowa, extending north to the mouth of Boyer river, south to the mouth of the Nodaway river, and east to the west line of the Sac and Fox lands, were granted to the Pottawattomie tribe of Indians, numbering about twenty-two hundred and fifty. Some Ottawas and Chippeways living with the Pottawattomies were participants in this grant. All of these Indians had been removed from the vicinity of Chicago. A subagency and trading post was established at Traders Point (or at St Francis), Iowa. By a treaty with the United States, made "at the agency near Council Bluffs," June 5, 1846,[2] the Pottawattomies relinquished these Iowa lands. The agency at Bellevue, on the opposite side of the Missouri river, had jurisdiction over the Omahas, Otoes, Poncas, and Pawnees. The Council Bluffs subagency on the Iowa side of the river was subject to the agency at Bellevue. As has already been indicated, Council Bluffs was as shifting as the great river whose shores its various sites adorned. It was first applied to the Lewis and Clark encampment, eighteen miles north



HENRY FONTENELLE[3]
UNITED STATES INTERPRETER TO THE OMAHA INDIANS
From a photograph owned by Mrs. Harriet S. MacMurphy, Omaha

[1] U. S. Statutes at Large, vol. 7, p. 431.

[2] Ibid., vol. 9, p. 853.

[3] Henry Fontenelle, deceased, son of Lucien Fontenelle, who married an Indian woman of the Omaha tribe, was born at Bellevue, Sarpy county, in 1832. He was a brother of Logan Fontenelle, a chief of the Omahas. Henry Fontenelle moved to the Omaha reservation with his tribe in 1855, but on account of trouble between the Omahas and Sioux, he returned to Sarpy county. The following spring he again went to the reservation where he resided until his death, April 26, 1899. He was a reliable, intelligent, and educated man and well informed upon all matters relating to his people. He was commissioned United States interpreter about 1870, and retained the position for many years. He was also government farmer at the reservation and was appointed chief of the Omaha tribe by the Indian agent, but resigned that position to live a quiet life surrounded by his family at his old home upon the edge of the reservation near the Missouri river.

of Omaha; then, by reflection and by a sort of evolutionary southward movement to Bellevue; still later to the subagency on the Iowa border opposite Bellevue. In 1853—January 19—Council Bluffs was substituted for Kanesville, which was the original name (derived from a brother of Kane, the arctic explorer) of the hamlet on the site of the present city of Council Bluffs. Thereafter the place was known by its present name by designation of the post-office department; and it was formally incorporated by act of the Iowa assembly, February 24, 1853. According to the *Frontier Guardian* of September 18, 1850, a census taken at that time yielded a population of 1,103 for Kanesville and 125 for Trading Point or Council Bluffs; so that as late as this date the migratory name of Council Bluffs had not reached the northern settlement of Kanesville, but by local usage was confined to Traders, or Trading Point.

The domain of the Omahas lay to the north of the Platte river, and that of the Otoes about its mouth—both along the Missouri river. A strip of land intervening was a source of chronic dispute between these tribes. At the time of the Louisiana Purchase the Otoes numbered about two hundred warriors, including twenty-five or thirty Missouris. A band of this tribe had been living with the Otoes for about twenty-five years. In 1799 the Omahas numbered five hundred warriors; but as the Mormons found them in 1846 this tribe, and the Otoes as well, had been reduced by the scourge of smallpox to a mere remnant of their former numbers. These Indians are described by their white neighbors of that time as being almost destitute of martial spirit and not viciously inclined, but naturally ready to rob and steal when prompted by hunger, which, unfortunately for their white neighbors, was their nearly chronic condition. Orson Hyde, editor of the *Frontier Guardian*, in its issue of March 21, 1849, inspired by the wisdom of Solomon, advised the use of the rod, and a real hickory at that, on the thieving Omahas and others.

PIT-A-LE-SHAR-U (MAN CHIEF)[1]
HEAD CHIEF OF THE PAWNEES
From a photograph in the Coffin collection, in the Museum of the Nebraska State Historical Society.

[1] Pit-a-le-shar-u (Man Chief), head chief of the Pawnees, was a Choui. He was born about 1823 (according to John B. Dunbar), and attained to the head chieftainship in 1852. His home was immediately south of Fremont until the Pawnees were removed to a point near Genoa. In person he was well developed, standing over six feet. He was not compactly built, but had a commanding presence, and possessed great powers of physical endurance. His features were large and very expressive; his face was deeply pitted by smallpox from which he suffered in 1838. He was extremely vain of his personal appearance, and delighted in extravagant dress. The accompanying engraving represents him in his most elaborate costume. The head-dress of eagle's feathers was a tribal mark, in which he took especial pride. As an orator he excelled, and his character was worthy of his high office. He ruled by suggestion and persuasion rather than by arbitrary methods. In personal intercourse he was dignified and affable: "The white people I love," was one of his frequent sayings. He was a delegate to Washington when the treaty of 1858 was ratified, and he always remained a firm friend of the whites. In the summer of 1874, while going from

It is said that the Omahas were exceptionally miserable. "Unprotected from their old foes, the Sioux, yet forbidden to enter into a defensive alliance with them, they were reduced to a pitiable handful of scarcely more than a hundred families, the prey of disease, poverty-stricken, too cowardly to venture from the shadow of their tepees to gather their scanty crops, unlucky in the hunt, slow to the chase, and too dispirited to be daring or successful thieves."[1]

In the region between the Niobrara and Missouri rivers were the Poncas, some five hundred or six hundred in number, and but little better than the Omahas and Otoes in condition and circumstances. According to Lewis and Clark, the Grand Pawnee and Republican Pawnee, numbering respectively five hundred and two hundred and fifty men, dwelt, in 1804, on the south side of the Platte opposite the mouth of the Loup; the Pawnee Loup or Wolf Pawnee, comprising two hundred and eighty men, on the Loup Fork of the Platte about ninety miles above the principal Pawnee; and a fourth band of four hundred men on the Red river. Clayton's Emigrant's Guide, in 1848, finds the old Pawnee Mission station at Plum creek, latitude 41° 24′ 29″, nine and a quarter miles east of the Loup Fork ford (latitude 41° 22′ 37″; longitude 98° 11′); and the old Pawnee village, formerly occupied by the Grand Pawnee and Tappa, half a mile west of the Loup Fork. This village was burned by the Sioux in the fall of 1846. In the spring of 1847 the Pawnee were found on the Loup Fork, about thirty miles east of the old village, according to the same authority.[2]

---

the agency to the village, he received a pistol shot in the thigh. Common report at the time called it an accident, but there is little doubt that the shot was from the hand of some one who feared the chief's influence in the matter of removing the Pawnees to Indian Territory. The wound did not seem serious at first, but in time proved fatal, and the Pawnee Indians lost their best counselor and the whites a staunch friend.—(E. E. Blackman, archeologist Nebraska State Historical Society.)

[1] Mr. Clyde B. Aitchison, archives Nebraska State Historical Society.

[2] By a convention made at the Otoe village on the river Platte, September 21, 1833, between Henry L. Ellsworth, representing the United States, and the Otoe and Missouri tribes, the latter ceded lands to the United States as follows:

"Beginning on the Little Nemohaw river, at the northwest corner of the land reserved by treaty at Prairie du Chien, on the 15th July, 1830, in favor of certain half-breeds, of the Omahas, Ioways, Otoes, Yancton and Santie bands of Sioux, and running westerly with said Little Nemohaw, to the head branches of the same; and thence running in a due west line as far west as said Otoes and Missourias have, or pretend to have any claim."—(U. S. Statutes at Large, vol. 7, p. 429.)

In this convention the two tribes "declare their entire willingness to abandon the chase for the agricultural life."

By a convention made between Henry L. Ellsworth, commissioner for the United States, and the Grand Pawnee, Pawnee Loup, Pawnee Republican, and Pawnee Tappa, "residing on the Platte and the Loup Fork" made at the Grand Pawnee village on the Platte river, October 9, 1833, these confederated bands of Pawnee ceded to the United States "all their right, interest, and title in and to all the land lying south of the Platte river."—(Ibid., p. 448.)

By a convention "concluded at Bellevue, Upper Missouri, the fifteenth day of October 1836, by and between John Dougherty, U. S. agent for Indian affairs and Joshua Pilcher U. S. Indian special agent, and the Otoes, Missouries, Omahaws and Yancton and Santee bands of Sioux," these tribes ceded to the United States "the lands lying between the state of Missouri and the Missouri river and south of a line running due west from the northwest corner of the state to the Missouri river." By the same convention it is agreed that the United States will furnish to the Otoes and Missouries five hundred bushels of corn, "in consequence of their removal from their former situation on the River Platte to the place selected for them, and of their having to build new habitations next spring at the time which should have been occupied in attending to their crops."—(Ibid., p. 524.)

By a treaty made August 6, 1848, at Ft. Childs near the head of Grand Island, on the south side of the Nebraska or Great Platte river, between Lieutenant-Colonel Ludwell E. Powell, commanding battalion Missouri mounted volunteers, en route to Oregon, in behalf of the United States, and the four confederated bands of Pawnee, the latter ceded to the United States all that tract of land described as follows: "Commencing on the south side of the Platte river, five miles west of this post, 'Fort Childs;' thence due north to the crest of the bluffs north of said Platte river; thence east and along the crest of said bluffs to the termination of Grand Island, supposed to be about 60 miles distant; thence south to the southern shore of said Platte river; and thence west and along the southern shore of said Platte river to the place of beginning."—(U. S. Statutes at Large, vol. 9, p. 949.)

On the 15th of March, 1854, by a treaty made at the city of Washington, between George W. Manypenny, commissioner of Indian affairs, on behalf of the United States, and the confederate tribes of the Otoe and Missouri Indians, the latter ceded to the United States "all their country west of the Missouri river excepting a strip of land on the waters of the Big Blue river, ten miles in width and bounded as follows: Commencing at a point in the middle of the main branch of the Big Blue river, in a west or southwest direction from old Fort Kearney, at a place called by the Indians the 'Islands'; thence west to the western boundary of the country hereby ceded thence in a northerly course with said western boundary, ten

Spain was preeminently the seat of chivalry at the time of the discovery of America and during the following centuries, while the country now comprising the United States was being discovered and colonized in detail—until it was laughed out of her by Cervantes and knocked out of her by the practical and prosy peoples of the more northern countries and of the Teutonic race. But the spirit of chivalry was prolific of adventurous discoverers through whose valorous enterprise Spain had come to possess, at the time the little strip along the Atlantic comprising the American colonies was ready for political separation from Great Britain, the whole territory west of the Mississippi river now comprised in Mexico and the United States, except that portion within the limits of the states of Washington and Oregon. That part of these Spanish domains north of the present boundary line of Mexico comprised more than two-thirds of the present area of the United States. At this time Spain also dominated Central and South America. Though Spain was the first discoverer of America, and established the first permanent colony within the territory of the United States, she no longer owns a foot of the continent; and she became so weak that she lost all her holdings by force. It was of the spirit of Spanish chivalry to seek success by the royal road. Her explorers and discoverers were either animated by the search for gold—like De Soto and Coronado—or for more illusive treasure, such as Ponce de Leon's elixir of life. But the ultimate race was not for the swift nor the final battle for the strong. The continent came to the men who knew how to wait.

While it is still an unsettled and perhaps not very important question whether the Spanish Coronado was the first white man to set foot in Nebraska, there is no doubt that he was the first white discoverer of whom there is any account of the great plains tributary to the Missouri river, and that he came very near to the southern border of the state.

In 1539 a Franciscan friar, Marcos de Niza, whom Don Antonio de Mendoza, viceroy of Mexico, had sent to investigate reports of populous settlements in the region now comprised in Arizona and New Mexico, brought stories of vast wealth in the Seven Cities of Cibola. An army of about three hundred Spanish soldiers and one thousand Indians and servants was raised and equipped for the conquest of the new country, and Francisco Vasquez de Coronado, governor of New Galicia, a western border province of Mexico, was placed in command of the expedition. Coronado appears to have been a bold and venturesome cavalier—a fit lieutenant of the ambitious viceroy. The expedition started from Compostela—the capital of Coronado's province, about three hundred and seventy-five miles northwest from the city of Mexico—Febru-

---

miles; thence east to a point due north of the starting point and ten miles therefrom; thence to the place of beginning."—(Ibid., vol. 10, p. 1038.)

By treaty made at the city of Washington, March 16, 1854, by George W. Manypenny, commissioner for the United States, and the Omaha tribe of Indians, the latter ceded to the United States "all their lands west of the Missouri river and south of a line drawn due west from a point in the center of the main channel of the Missouri river due east of where the Ayoway river disembogues out of the bluffs to the western boundary of the Omaha country."—(Ibid., p. 1043.)

A treaty was made at Table Creek, in the territory of Nebraska, September 24, 1857, between the United States, by James W. Denver, commissioner, and the four confederate bands of Pawnee Indians, by which the latter ceded "all their right, title and interest to all the lands now owned or claimed by them bounded as follows: On the east by the lands lately purchased by the United States from the Omahas; on the south by the lands heretofore ceded by the Pawnees to the United States; on the west by a line running due north from the junction of the North, with the South fork of the Platte river, to the Keha-Paha River; and on the north by the Keha-Paha river to its junction with the Niobrara, L'eauquicourt or Running Water river, and thence, by that river to the western boundary of the late Omaha cession." The Pawnees reserved a tract out of this cession "thirty miles long from east to west, by fifteen miles wide from north to south, including both banks of the Loup Fork of the Platte river; the east line of which shall be at a point not further east than the mouth of Beaver Creek." It was also agreed that whenever the Pawnees should be able to find a more suitable locality for their future homes within said cession they should have the privilege of selecting an equal quantity of land there in the place of this reservation.—(Ibid., vol. 11, p. 729.)

On the 10th of April, 1876, an act of Congress authorized the sale of this reservation with the consent of the Pawnee tribes. A part of the proceeds of the sale of the reservation was applied to the purchase of another reservation for the tribe in the Indian Territory, whither the Indians were removed.—(Ibid., vol. 19, p. 28.)

ary 23, 1540. On the 7th of July Coronado, with an advanced detachment of the main army, captured one of the seven small Zuni villages, which, situated near the present western border of New Mexico, in about the latitude of 35°, and within a radius of five leagues, constituted the Seven Cities of Cibola.[1] These villages were composed of small storehouses, three or four stories high, but the disappointed Spaniards found in them poverty instead of the fabled riches. On an expedition from this point Coronado was partly compensated for his disappointment, though doubtless in a way which he did not fully appreciate, by discovering the grand canyon of the Colorado.

Now it was found that the riches lay far beyond in the land of Quivera; and, probably through a stratagem to get rid of their oppressive and cruel visitors, the story of the New Eldorado was told by a native of Quivera who was met with as a captive of the natives of Cicuye, a fortified village east of Cibola on the Pecos river. The "Turk," as the Spaniards called the slave, on account of his appearance, told more stories of large towns with hoards of gold and silver and vast herds of buffalo in his country to the east.[2] The greedy credulity of the Spaniards again listened to these fabulous tales, and in April or May, 1541, the army took up its eastward march with the Turk for its guide.[3] The slave intentionally led them by a wandering course far to the south, and, provisions becoming scarce in the neighborhood of the headwaters of the Colorado river of Texas, Coronado sent back all of the army excepting from twenty-six to thirty-six soldiers, with whom he pushed northward on his journey of forty-two days to Quivera, now under the guidance of a good Indian, Ysopete, also a native of the plains, the perfidious Turk having been taken into custody.[4] The party crossed the Arkansas in the neighborhood of its southern bend, not far from the present site of Dodge City. Thus the first white man's crossing of the Arkansas was at a place which two hundred and sixty years later was to become an angle in the division between the Louisiana Purchase ceded to the United States and the residue of territory still held by Spain. At this point the boundary line changed from its northward course to the west along the Arkansas river. About eighty miles to the northwest, at the site of the present town of Great Bend, Coronado found the first Quivera village. He first met Indians of that name beyond the crossing not far from Kinsley and Larned. Here imminence

QUIVERA MONUMENT[5]
NEAR JUNCTION CITY, KANSAS
From photograph owned by E. E. Blackman, Vice-President Quivera Historical Society.

[1] F. W. Hodge, Coronado's March to Quivera, Harahey, vol. 2, p. 43.

[2] J. H. Simpson, Coronado's March, *Smithsonian Rept.*, 1869, p. 319.

[3] Harahey, vol. 2, p. 59.

[4] Harahey, vol. 2, p. 66.

[5] The Quivera monument was erected at "Logan Grove," the home of Captain Robert Henderson, near Junction City, Kansas, in 1902. It was unveiled and presented to the Quivera Historical Society August 12. It commemorates the discovery of Quivera by Coronado in 1541, as well as the rediscovery of Quivera by Hon. J. V. Brower in 1896, and was erected at a cost of $550. The base and subbase are of native limestone surmounted by a granite shaft and die, and stand seventeen and a half feet over all.

of his exposure seems to have moved the Turk to confession that his people were strangers to the precious metals as well as to other riches, and he was straightway strangled by the enraged Spaniards. There was now nothing left for them to fall back upon but appreciation of the richness of the soil; for Jaramillo, one of their chroniclers, says: "Some satisfaction was experienced on seeing the good appearance of the earth;" and Coronado himself writes that the soil of Quivera was "fat and black," and "the best I have ever seen for producing all the products of Spain."[1] The buffalo is described by these travelers in a very naïve and realistic manner. Like the reindeer to the Laplander, this beast was food and raiment for the Indian natives, and it is curious to note that buffalo "chips" were used for fuel then, as they were until recent days by our own pioneers. "One evening there came up a terrible storm of wind and hail, which left in the camp hailstones as large as porringers, and even larger. They fell thick as rain drops, and in some spots the ground was covered with them to the depth of eight or ten inches. The storm caused many tears, weakness, and vows." Making a moderate allowance for the quickened imagination of the belated Spaniards, these stories of what they saw indicate that they journeyed not far from Nebraska. The substantial agreement of the conclusions drawn by Mr. Hodge of the ethnological bureau, of the accounts of their journey by the Spanish travelers themselves, with the actual field work of Mr. J. V. Brower, leaves little room for doubt that these adventurers reached the neighborhood of Junction City, or perhaps Manhattan, Kansas. Mr. Hodge, writing as late as 1899, observes that the common error in determining latitude in the sixteenth century was about two degrees; therefore when Coronado said that Quivera, "where I have reached it, is in the 40th degree," that means that it was in fact in the 38th degree; and Mr. Hodge adds: "Nothing is found in the narratives to show positively that either Coronado or any member of his force went beyond the present boundaries of Kansas during their stay of twenty-five days in the province of Quivera."[2] Mr. E. E. Blackman, of the Nebraska State Historical Society, thinks that the statements accredited to the Indians by Jaramillo, that there was nothing beyond the point reached by the Spaniards but Harahey—the Pawnee country—coupled with his own demonstrations that the Quivera village extended into Nebraska, show that the Spaniards crossed our border; and Simpson's studies led him to the conclusion that it is "exceedingly probable that he (Coronado) reached the 40th degree of latitude (now the boundary between the states of Kansas and Nebraska) well on towards the Missouri

JACOB V. BROWER[3]
ARCHEOLOGIST AND EXPLORER—REDISCOVERER OF QUIVERA AND HARAHEY

[1] Simpson, Coronado's March, p. 321; Harahey, vol. 2, p. 67.

[2] Harahey, vol. 2, p 72.

[3] Jacob V. Brower was born in Michigan, January 21, 1844. He is the archeologist for the Minnesota State Historical Society, and president of the Quivera Historical Society. Mr. Brower has been active in archeological exploration throughout the entire Mississippi valley, and has materially assisted in the work of exploration in Nebraska. He rediscovered the province of Quivera, which Coronado discovered in 1541, and the Quivera monument was erected in honor of this rediscovery. Mr. Brower is the author of many valuable archeological and historical works.

river." Bandelier, George Winship Parker, Hodge and Brower all substantially agree with H. H. Bancroft's earlier statement (1899) that, "there is nothing in the Spaniards' descriptions of the region or of the journey to shake Simpson's conclusion that Quivera was in modern Kansas."

The writings of the Spaniards referred to are, in the main, Coronado's letters and formal accounts of the journey by Jaramillo, a captain in the expedition, and of Castañeda who went back with the main body of the army, but industriously collected his material from hearsay. The latest and perhaps the most thorough manuscript work has been done by Parker in The Coronado Expedition, and Hodge in Coronado's March, and the results of their researches substantially accord with the field work of Brower and Blackman, which is still under prosecution, and may yet show that Coronado was the discoverer of Nebraska proper.

While this expedition appears to have been barren as to practical results, yet it has been said of it that "for extent in distance traveled, duration in time, extending from the spring of 1540 to the summer of 1542, and the multiplicity of its cooperating branch explorations, it equaled, if it did not exceed, any land expedition that has been undertaken in modern times."[1] Another writer observes that "a bare subsistence and threatened starvation were the only rewards in store for the volunteers upon this most famous of all the Spanish explorations, excepting those of Cortez. They discovered a land rich in mineral resources, but others were to reap the benefits of the wealth of the mountain. They discovered a land rich in material for the archeologist, but nothing to satisfy their thirst for glory or wealth."[2] But this erudite author, like his Spaniards, has missed the main point. For they discovered the future granary of the world; and the fact that they were oblivious or disdainful of their main discovery pointed the moral of future Spanish history. The Spaniards took nothing and they gave little—two friars left as missionaries at Cibola and who soon wore the crown of martyrdom. To Spain, from the first, nothing in her new-world conquests was gold that did not glitter; and for this she disdained to dig—it was easier and more chivalrous to rob. She of course made pretense of having substituted for this mere material good the priceless but easy gift, religion. A shrewder if not a juster race came after who were able to discern the true and inexhaustible body of gold hidden in the dull-hued soil; and they tilled and patiently waited nature's reward. And lo, to them is the kingdom. And Spain has her due reward. Driven from all her vast outlying domains by the relentless force of the modern industrial spirit, which she could neither assimilate nor entertain, into a little corner of Europe, there she lies, oblivious to progress, surviving chiefly as an echo, and consequential merely as a reminiscence of the dead past.

The earliest authenticated exploration by white men on Nebraska soil was that of two brothers, Pierre and Paul Mallet, and six other Frenchmen in June, 1739. The Mallet brothers had probably come up from New Orleans the year before and had wintered near the mouth of the Niobrara river. An account of their journey from that neighborhood to Santa Fé forms a part of the Margry papers, which consist of reports of early French explorers of the trans-Mississippi country to the French authorities at New Orleans, and which have been printed by Margry in Paris.[3]

[1] Simpson, Coronado's March, *Smithsonian Rept.*, 1869, p. 324.

[2] Spanish Institutions of the Southwest, p. 220.

[3] Mr. A. E. Sheldon makes the following translation of the story of the Nebraska part of the journey (*Conservative*, May 22, 1902):

Voyage of the Mallet brothers with six other Frenchmen from the river of the Panimahas in the Missouri country, to Santa Fé, 1739-40. Extract from the journal of the journey presented to M. M. de Bienville, governor, and Salmon, intendant, at New Orleans:

"For a knowledge of the road which these Canadians have traveled to discover New Mexico, it is well to know that it is 250 miles from the Illinois to the villages of the Missouri Indians on the river of that name, 240 miles from there to the Kanzes, 300 from the Kanzes to the Octoctatas (Otoe) and 180 from there to the mouth of the river of the Panimahas in the Missouri. This nation is settled upon the river of their name, and from there the discoverers took their departure May 29, 1739.

"All of those who have attempted up to the present time to reach New Mexico have thought they would

In 1804, following the purchase of Louisiana, the Lewis-Clark expedition was sent out by President Jefferson for the purpose of gaining knowledge of the new and almost unknown territory.

Following is a description of the company and outfit taken from the journal of Lewis and Clark:

"The party consisted of nine young men from Kentucky, fourteen soldiers of the United States army, who volunteered their services, two French watermen, an interpreter and hunter, and a black servant belonging to Capt. Clark—all of these, except the last, were enlisted to serve as privates during the expedition, and three sergeants appointed from amongst them by the captains. In addition to these were engaged a corporal and six soldiers, and nine watermen to accompany the expedition as far as the Mandan nation, in order to assist in carrying the stores, or repelling an attack, which was most to be apprehended between Wood River and that tribe. The necessary stores were subdivided into seven bales, and one box, containing a small portion of each article in case of accident. They consisted of a great variety of clothing, working utensils, locks, flints, powder, ball, and articles of the greatest use. To these were added fourteen bales and one box of Indian presents, distributed in the same manner, and composed of richly laced coats and other articles of dress, medals, flags, knives, and tomahawks for the chiefs—ornaments of different kinds, particularly beads, looking glasses, handkerchiefs, paints, and generally such articles as were deemed best calculated for the taste of the Indians.

"The party was to embark on board of three boats; the first was a keel boat fifty-five feet long, drawing three feet water, one large square sail and twenty-two oars, a deck of ten feet in the bow and stern formed a forecastle and cabin, while the middle was covered by lockers, which might be raised so as to form a breast work in case of attack. This was accompanied by two perioques or open boats, one of six and the other of seven oars. Two horses were at the same time to be led along the banks of the river for the purpose of bringing home game, or hunting in case of scarcity. . . . All the preparations being completed, we left our encampment on Monday, May 14, 1804. This spot is at the mouth of Wood river, a small stream which empties itself into the Mississippi, opposite to the entrance to the Missouri."

The expedition, following up the Missouri river, came in sight of the present Nebraska on the afternoon of July 11, 1804.[1] It camped on the Missouri side, immediately opposite the mouth of the Big Nemaha, and the next day some members of the company explored the lower valley of that river.

This expedition is of particular importance as it gives the first historical glimpse of the eastern border of Nebraska. From the point where it first touched the present state at the southeast corner to the point at the northeast corner, where the Missouri river reaches its borders, the distance is 277 miles as the bird flies. According to the government survey, the distance between these two points is 441 miles, following the meanderings of the river. The Lewis-Clark expedition recorded 556 miles of river front for the state in 1804.

On the 8th of September the explorers left the present limits of Nebraska and continued their voyage up the Missouri, then crossed the dividing mountain chains, and launched their boats on the swift Columbia, following it to its mouth. Two years later they returned over the same route and gave a graphic description of the vast country they had traversed.

The explorers first camped on Nebraska soil July 15, near the mouth of the Little

find it on the head-waters of the Missouri, and to that end have gone up stream as far as the Ricaras, who dwell more than 375 miles from the Panis. The discoverers took, upon information from some Indians, an altogether different route, and leaving the Panis they crossed the country and returned upon a way almost parallel to the Missouri.

"June 2nd they reached a river which they named the river Plate, and seeing that it took a direction not far from the route they had in mind, they followed it, going up its right bank for a distance of 70 miles, and at that place they found that the river made a fork with the river of the Padoucas which just there flows in.

"Three days afterwards, that is June 13, they crossed to the left bank of the said river, and traveling over a tongue of land, they camped on the 14th on the other bank of the River des Costes [Hill river] which here falls also into the river Plate.

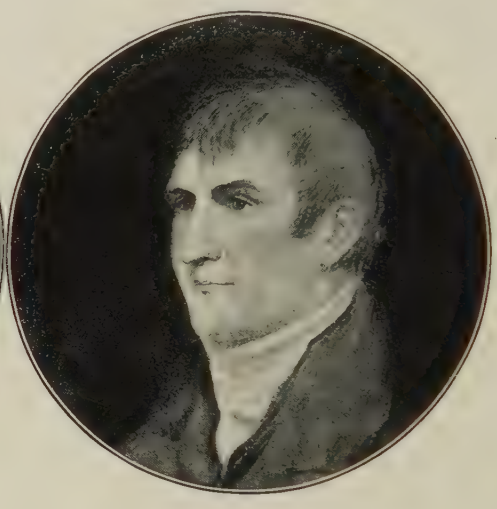
"The 15th and 16th they continued to cross over the country, and on the 17th they reached another river, which they named des Costes Blanches [White Hills river]. These three days they were traveling over plains, where they found absolutely no wood not even for fire, and it seems from their journal that these plains extended as far as the mountains near Santa Fé."

[1] These specifications of the camp sites of the Lewis-Clark party in Nebraska are by Mr. E. E. Blackman of the Nebraska State Historical Society.

Nemaha. The camp of July 18 was not far from the present site of Nebraska City. According to Floyd's Journal the camp of July 20 was on the Nebraska side, and under a high bluff, three miles north of Weeping Water creek. On the 21st of July the party passed the mouth of the Platte river and encamped on the Nebraska side (probably not far from the southeast corner of section 31, township 13, range 14 E.). They passed on up the river for a distance of ten miles the next morning and then camped on the eastern shore. Here they remained for five days. They explored the country in all directions and sent for the surrounding Indians to meet them in a council at a point farther up the river. While they were here dispatches and maps were prepared to be sent to the president. July 27, they swam their horses to the Nebraska side and continued the journey northward.

The camp of July 30 was at Council Bluff. This is the most important camp ground of the Lewis-Clark expedition within the state. Subsequently (1819) it became the site of the first military post established in Nebraska. There is no doubt that the recommendation of this site by the captains, Lewis and

Wm. Clark[1]



Meriwether Lewis[2]

[1] William Clark, son of John Clark, a Virginian, was born August 1, 1770, not far from the birthplace of Meriwether Lewis, with whom he was later to be associated in one of the most remarkable explorations of modern times. When William was fourteen years of age the family removed to what is now Louisville, Kentucky, and here amidst the most humble surroundings the boy grew to young manhood. He chose a military career, and at the age of eighteen was appointed ensign in the regular army, and two years later, a captain of militia. In 1791 he received a commission as lieutenant of infantry under General Wayne, and afterwards served as adjutant and quartermaster. In 1796 he resigned from the army on account of ill health. About this time he made the acquaintance of Meriwether Lewis who was serving in his command. In 1803 Lieutenant Clark, who had retired to his Kentucky farm, consented to join Lewis in the expedition, to the command of which the latter had been appointed.

On the 12th of March, 1807, Lieutenant Clark was commissioned by President Jefferson as brigadier-general and Indian agent of Louisiana territory. In this office he became widely known and greatly trusted by both whites and Indians. In 1812 the name of the territory was changed to Missouri, and in 1813 General Clark was appointed by President Madison as governor of this territory, which then embraced all of the present state of Nebraska. He was reappointed by Madison in 1816 and 1817, and by Monroe in 1820, holding the office continuously until the admission to the Union of the present state of Missouri. In 1822 he was named by President Monroe as superintendent of Indian affairs and served for sixteen years, or until his death, which occurred in St. Louis, September 1, 1838.

[2] Meriwether Lewis was born August 18, 1774, near Charlottesville, Virginia. His family was distinguished in civil and military life during Revolutionary times. His early life was spent on a farm, but at the age of twenty he engaged as a volunteer at the call of General Washington for troops to put down the "Whisky rebellion." He afterwards entered the regular service as a lieutenant and at the age of twenty-three was promoted to a captaincy, and later appointed paymaster of his regiment. He had served for two years as private secretary to President Jefferson before

In upper right-hand corner appears the monument erected by order of the legislature of Tennessee, over the grave of Captain Lewis, Lewis county, Tennessee. Reproduced from "The Trail of Lewis and Clark," by courtesy of Olin D. Wheeler, editor. In the center and upper left-hand corner are three views of the monument of Captain Clark in Belle Fontaine cemetery, St. Louis. The two lower cuts represent the boulder at Ft. Calhoun, Nebraska, commemorating the first council with the Indians on Nebraska soil. — Engravings from Photographs by A. E. Sheldon.

LEWIS AND CLARK MONUMENTS

Clark, determined the location of what was afterward known as Camp Missouri, Ft. Atkinson, and finally Ft. Calhoun. The importance of this camp warrants a quotation from that part of the journal describing Council Bluff:

". . . The land here consists of a plain, above the high water level, the soil of which is fertile, and covered with a grass from five to eight feet high, interspersed with copses of large plums and a currant like those of the United States. . . Back of this plain, is a woody ridge, about seventy feet above it, at the end of which we formed our camp. This ridge separates the lower from a higher prairie, of a good quality, with grass, of ten or twelve inches in height and extending back about a mile to another elevation of eighty or ninety feet, beyond which is one continued plain. Near our camp, we enjoy from the bluffs a most beautiful view of the river, and the adjoining country. At a distance, varying from four to ten miles, and of a height between seventy and three hundred feet, two parallel ranges of high land afford a passage to the Missouri which enriches the low grounds between them. In its winding course, it nourishes the willow islands, the scattered cottonwood, elm, sycamore, lynn, and ash, and the groves are interspersed with hickory, walnut, coffeenut, and oak. The meridian altitude of this day (July 31) made the latitude of our camp 41° 18′ 1.4″. . . . We waited with much anxiety the return of our messenger to the Ottoes. . . . Our apprehensions were at length relieved by the arrival of a party of about fourteen Ottoe and Missouri Indians, who came at sunset, on the 2nd of August, accompanied by a Frenchman, who resided among them, and interpreted for us. Captain Lewis and Clark went out to meet them, and told them that we would hold a council in the morning. . . . [Here follows an account of the council in detail.] The incidents just related, induced us to give to this place the name of the Council-bluff; the situation of it is exceedingly favourable for a fort and trading factory. . . ."

There were fourteen Indians present at this council, six of whom were chiefs. They were all Otoes and Missouris who formed one tribal organization at a later date, and presumably at that time.

After concluding the council they moved up the river five miles and encamped August 3d. On the 4th of August they continued the voyage and came to "a trading house, on the south, [Nebraska side] where one of our party passed two years trading with the Mahas." This too brief paragraph is important in disclosing that there were white traders in Nebraska prior to 1804. The camp of August 4 was also on Nebraska soil, but the exact point is not determined.

The next sojourn in Nebraska was on the 11th of August, when they paused to examine "Blackbird's grave." The description given is worthy of repetition here:

". . . We halted on the south side, for the purpose of examining a spot where one of the great chiefs of the Mahas, named Blackbird,[1] who died about four years ago of the small-pox, was buried. A hill of yellow soft sand-stone rises from the river in bluffs of

his appointment to command the expedition which was destined to make his name famous. At the suggestion of Captain Lewis, Lieutenant William Clark was appointed as his associate in the command of this exploring party, a detailed account of which may be had from the various editions of the Lewis and Clark journals.

Congress, (March 3, 1807) passed a bill for a grant of land to Captain Lewis and Lieutenant Clark, 1,600 acres to each, and 320 acres to each of the 31 members of their party, including the heirs of Sergeant Floyd, together with an allowance of double pay for the time of service.—(Annals of 9th Cong., 2d Sess., p. 1278.)

On March 3, 1807, Captain Lewis was appointed governor of Louisiana territory, with headquarters at St. Louis. This office he held until his death by suicide, October 11, 1809, while en route to Washington. This occurred near Gordon, Lewis county, Tennessee, where the legislature of that state erected a monument to his memory.

[1] Wagigasabey (Blackbird), chief of the Omahas, was the first chief of that tribe of whom we have any knowledge, and with Ta-ha-zouka (Elk's Horn), for whom the Elkhorn river was named, was the first Omaha chief to enter into treaty relations with the government of Spain. The first treaty between Blackbird and the Spanish governor general of Louisiana was signed at New Orleans, May 12, 1796. This document is now in the possession of the Nebraska State Historical Society. According to Lewis and Clark, who visited Blackbird's grave in 1804, he died in 1800, and was buried upon the summit of a high hill, at a spot of his own selection. According to the same authority he died from smallpox, which had attacked the Omahas in the latter part of the eighteenth century, resulting in the death of about four hundred of them in a short time. His burial place is now known as "Blackbird Hill," which overlooks the Missouri river in the southeastern part of Thurston county. Catlin mentions a visit which he made to Blackbird's grave, and gives an account of various legends concerning him. The most current of these charges him with gaining his celebrity and authority by a series of the most diabolical murders of his tribesmen, sparing

various heights, till it ends in a knoll about three hundred feet above the water; on the top of this a mound of twelve feet diameter at the base, and six feet high, is raised over the body of the deceased king; a pole of about eight feet high is fixed in the centre; on which we placed a white flag, bordered with red, blue and white."

August 13, they reached a spot on the Nebraska side where "a Mr. Mackay" had a trading house in 1795 and 1796 which he called Ft. Charles. This same day men were sent out to the old Maha village

"With a flag and a present, in order to induce them to come and hold a council with us. They returned at twelve o'clock next day, August 14. After crossing a prairie covered with high grass, they reached the Maha creek, along which they proceeded to its three forks, which join near the village: they crossed the north branch and went along the south; the walk was very fatiguing, as they were forced to break their way through grass, sunflowers, and thistles, all above ten feet high, and interspersed with wild pea. Five miles from our camp they reached the position of the ancient Maha village; it had once consisted of three hundred cabins, but was burnt about four years ago, soon after the smallpox had destroyed four hundred men, and a proportion of women and children. On a hill, in the rear of the village, are the graves of the nation; to the south of which runs the fork of the Maha creek: this they crossed where it was about ten yards wide, and followed its course to the Missouri, passing along a ridge of hill for one and a half mile, and a long pond between that and the Missouri: they then recrossed the Maha creek, and arrived at the camp, having seen no tracks of Indians or any sign of recent cultivation."

Probably the first large Nebraska "fish story" originated on August 16, when a seine was improvised with which over four hundred fish were taken from the Omaha creek. August 13, they made a camp near the old Omaha village and remained until August 20. At this point another council was held with the Otoes and Missouris, who were then at war with the Omahas and very much afraid of a war with the Pawnees. After concluding this council, they continued their journey, and the next day (August 20) Sergeant Floyd died and was buried on the Iowa side near the Floyd river.

On August 21 the camp was made on the Nebraska side; also on the 23d. On the 24th of August they came to the Nebraska volcano, a bluff of blue clay where they say the soil was so warm they could not keep their hands in it. These volcanic phenomena were probably due to the action of water, at times of inundation, on iron pyrite, setting free sulfuric acid, which in turn attacked limestone, producing heat and steam. Similar phenomena have been observed in the same locality in very recent years. This night camp was made in Nebraska, and mosquitoes were nu-

neither friend nor foe. It is said that he had secured a quantity of arsenic from the traders, from whom he had learned its use, and this he administered to such of his enemies as he wished to be rid of, and even to his friends, just to show his power. It is also said that his own death resulted from accidentally taking the same poison. Whether authentic or not, these stories are certainly in keeping with the traditions of the tribe concerning his character.

The successor of Blackbird was Mush-shinga (Big Rabbit), who lived only a few years. The next in the line of succession was Ta-so-ne (White Cow), who was controlled by a wife wholly lacking in ambition, and led a life of inactivity.

Ong-pa-ton-ga (Big Elk), son of Elk's Horn, was the next chief of the Omahas. He was as greatly beloved as Blackbird had been cordially hated, and was noted for his kind heart and good deeds. He was well known to the Spanish and French traders, and by them highly regarded. He died about 1846, and was buried on the spot where Bellevue college now stands. When the main college building was erected his remains were taken up and reinterred immediately in front of it.

He was followed by his son, Big Elk the Second, who, although the hereditary chief, was a weakling, and was displaced by E-sta-mah-za (Iron Eye), the adopted son of Big Elk the First, who especially selected him for a successor. Big Elk the Second, noted chiefly for his dissipation, died in a drunken debauch in 1852, and was buried near the grave of Blackbird. Iron Eye, better known to the whites as Joseph La Flesche, was the son of a Frenchman and a woman of the Ponca tribe. While he was universally trusted and respected, his reign over the tribe was troublous, owing to strifes and divisions occasioned by his advanced policy in favor of civilization and education. He was a devout Christian, but had no education, and could neither read, write, nor speak English. He married a daughter of Ni-co-mi (a woman of the Iowas, and later the wife of Peter A. Sarpy), by her first husband, who was Dr. John Gale, surgeon of the 6th regiment United States Infantry. Several children were born of this union, one of whom was the famous Bright Eyes. Joseph La Flesche died on his farm near Bancroft, September 28, 1888, and was buried in the cemetery just south of that place. Mrs. La Flesche is still living (1904) at the age of about eighty years.

Logan Fontenelle was not an hereditary chief, but was very popular and was chosen principal chief because of his ability to serve the tribe in the execution of the treaty of 1854, and his name appears as the first signer of that instrument.

FLOYD MONUMENT NEAR SIOUX CITY, IOWA, SHOWING BRONZE TABLETS ATTACHED TO THE EAST AND WEST FACES OF THE SHAFT

From photographs copyrighted by P. C. Waltermire, Sioux City

Sergeant Charles Floyd, the first soldier of the United States to die west of the Mississippi river, was a son of Chas. Floyd, Sr., a grandson of Wm. Floyd, and was born in Jefferson county, Kentucky, between 1780 and 1785. He was one of the "nine young men from Kentucky" who joined Lewis and Clark at Louisville in the fall of 1803, was formally enlisted April 1, 1804, and appointed one of the three sergeants of the expedition. Sergeant Floyd was taken ill August 19, 1804, died the following day, and was buried on "Floyd's Bluff," on the Iowa side of the Missouri river near the place of his death. His grave was marked by a cedar post properly inscribed. In 1857, when Floyd's grave was endangered by the river, his remains were removed 600 feet farther east. In 1895 the Floyd Memorial association was organized, and a monument was erected at a cost of about $15,000, which was dedicated May 30, 1901. The shaft occupies a commanding position, three miles southeast of Sioux City, on the top of Floyd's Bluff—the highest of the range of hills—about 600 feet from the Missouri river, and 115 feet above low-water mark. The monument is of the style of an Egyptian obelisk; the underground foundation is a monolith of concrete 22 feet square at the base, 13 feet 6 inches at the top, and 11 feet deep. This is surmounted by a base course of solid stone 2 feet high, and 10.92 feet square. The shaft is 100 feet 2½ inches in height, 9.42 feet square at the bottom, and 6.28 feet square at the top. It is a masonry shell of Kettle river sandstone, the core of solid concrete.

merous. On August 25 camp was made very near the Cedar-Dixon county line. August 28 a camp was made in Nebraska, a little way below where Yankton now stands. The Yankton-Sioux had been called here for a council, and on August 31 the council was concluded. A number of Sioux chiefs arranged to accompany Mr. Durion to Washington while the expedition was in camp here.

On the 1st of September they again set sail; on the 2d they stopped to examine an ancient fortification which must have been on section 3, 10, or 11 in the bend of the river and quite near the bank. September 3 they camped again on Nebraska soil, and the next day they reached a point just north of the Niobrara river. September 7 the last camp in Nebraska was pitched six miles south of the north line.

On the return trip down the Missouri river, the expedition reached the northeastern corner of the present Nebraska on Sunday, August 31, 1806, and left the southeast corner on the 11th of September, having made the uneventful journey in twelve days. The upstream passage of this part of the route had required fifty-seven days.

On the 15th of July, 1806, Lieutenant Zebulon M. Pike's[1] party, consisting of two lieutenants, one surgeon, one sergeant, two corporals, sixteen privates, and an interpreter, sailed from Belle Fontaine, four miles above the mouth of the Missouri river, on the famous expedition which resulted in the discovery of Pike's Peak. The object of the expedition, which was sent out by General James Wilkinson, then commander-in-chief of the army of the United States, and also governor of the territory of Louisiana, was ostensibly, and in fact partially, to establish friendly relations with the Indians of the interior, but it is supposed also to gain information about the Spaniards, who, since our acquisition of Louisiana, out of which they felt they had been cheated by Napoleon, had been in a menacing attitude towards the Americans.

The route of Pike's expedition was up the Missouri river to the mouth of the Osage river, then up this stream to the Osage villages at a point near its source. Here the party abandoned their bateau and took a northwesterly course across the country, reaching the Republican river at a point which has not been determined even approximately, and that interesting question is now the subject of investigation by specialists. The party camped on an eminence on the north side of the river, opposite the Pawnee village, and circumstances favor the conclusion that they were within the present bounds of Nebraska, notwithstanding that in 1901 a monument to mark the northern limit of Pike's route was erected within the Kansas line about four miles south of Hardy, Nebraska. Pike's visit to the Republican Pawnees had been preceded a short time before by the expedition of the Spanish Lieutenant Maygares, who had traveled from Santa Fé with about six hundred

[1] Brigadier-General Zebulon Montgomery Pike, soldier and explorer, was born at Lambertville, New Jersey, January 5, 1779, and was a son of Major Zebulon Pike, an officer in the Revolutionary army. General Pike early chose the life of a soldier, and at the age of twenty was appointed an ensign in his father's company. At the age of twenty-six he was a lieutenant under General Wilkinson, in Indian service in the West. In 1805 Lieutenant Pike was sent to explore the upper Mississippi, and in August of that year started from St. Louis in a keel boat with a crew of twenty men. In January, 1806, he reached the utmost source of the great river and returned to St. Louis the last of April. On July 15 of the same year, Lieutenant Pike, who had been promoted to a captaincy, was commissioned by General Wilkinson to restore a number of captives to the Kaw nation, which lived on the Osage river. His party consisted of one lieutenant, one surgeon, two sergeants, one corporal, sixteen privates and an interpreter, besides about fifty-two Indian captives. After delivering the Indians to their people, as had been agreed upon, he continued with his party northwestward, and about the last of November reached the Colorado range of mountains. He intended to ascend the peak which now bears his name, but the cold was too severe, especially as his men were without proper clothing; so he established a camp near where Canon City, Colorado, is now situated. Pike's Peak, however, was measured, approximately, by Lieutenant Pike, but its height was somewhat exaggerated. Leaving his company in camp he set out with one or two companions in search of a river by which he could return by boat to the Mississippi and soon reached the Rio Grande del Norte, which he believed to be the Red river. He established a camp and sent back for the rest of his party; but within a few days he was arrested by some Mexican soldiers, and he was held captive over a year in New Mexico. In 1807 he was allowed to return home. In 1812 he was made colonel of the 15th regiment and saw active service in the war that followed. In February, 1813, he was commissioned brigadier general, but was killed on the 27th of April, at York (Toronto), Upper Canada. He was married in 1801 to Clarissa Brown, of Kentucky.

soldiers and over two thousand horses and mules; but Pike says that about two hundred and forty men and the horses unfit for service were left at the crossing of the Arkansas river. The beaten down grass plainly disclosed to Pike their line of march in the Pawnee neighborhood. This Spanish expedition was sent to intercept Pike and also to establish friendly relations with the Indians, and the American party found a Spanish flag flying over the council lodge of the Pawnees. These incidents, together with the fact that Pike was detained in New Mexico, virtually a prisoner, illustrate the indefiniteness of the boundary of the Louisiana purchase at that time and the insolence of Spain, not yet conscious of her decaying condition, toward the young republic. The contrast between Pike's little party and the considerable Spanish army which had just passed inspired insolent behavior on the part of the Pawnees, which led the intrepid American explorer to give vent to his feelings in nis journal: "All the evil I wished the Pawnees was that I might be the instrument in the hands of our government to open their eyes and ears, and with a strong hand convince them of our power." It would no doubt have given the indomitable but persecuted Pike much satisfaction to know that within a very few years the insolent Spaniard, then invading American territory, would be pushed off the continent finally by American aggression. Pike himself was killed in battle in our war of 1812, but his services had been recognized and rewarded by promotion in 1795.

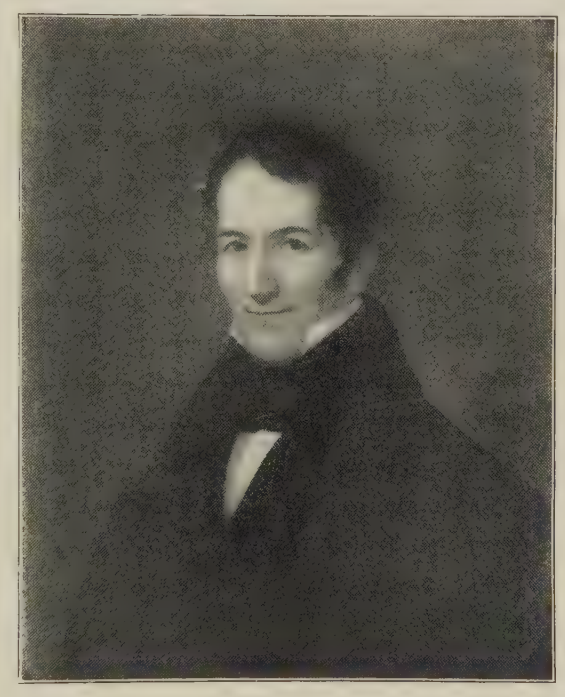
In 1807 Ramsey Crooks[1] and Robert McLellan,[2] two of the most famous and intrepid explorers of the Northwest, formed a partnership, and in the fall of the year started up the Missouri river with an expedition comprising eighty men fitted out on shares by Sylvester and Auguste Chouteau. On the return of Lewis and Clark in 1806, they brought with them to St. Louis, Shahaka, the chief of the Mandans, on the way to Washington for consultation with President Jefferson and under promise of safe escort back to his home. The next summer, Ensign Nathaniel Pryor, who had been a sergeant in the Lewis and Clark party, undertook to escort the chief up the river. The command consisted of fourteen soldiers in all, but it was united with a party of thirty-two men led by Pierre Chouteau. When they attempted to pass the lower Arikara village the Indians attacked them and drove them back, and on their return they met Crooks and McLellan, who then turned back and established a camp probably near Bellevue, where they remained until the spring of 1810. Lisa had safely passed the Arikaras before these parties arrived, and, whether true or not, the charge that he in-

[1] Ramsey Crooks, one of the prominent fur traders of the West, was born in Greenock, Scotland, January 2, 1787. He came to America in 1803 and was employed by the fur traders of the North around Montreal. Three years later he went to St. Louis to engage in the trade on the Missouri river. In 1807 he formed a partnership with Robert McLellan and Robert Stuart, the latter of Scotch extraction, and a man of great ability and strength of purpose, who was later a member of the American Fur Company, and with a well-equipped party they started up the Missouri. They established a trading post near "Council Bluff," according to one writer, but this was probably close to the present site of Bellevue. In 1810 they abandoned this post and dissolved partnership to become identified with the Pacific Fur Company. In 1817 Mr. Crooks became an agent for the American Fur Company in whose interest he displayed great energy, making annual trips for many years between Mackinaw and St. Louis. He managed this company's business for twelve years, and upon Mr. Astor's retirement in 1834, he purchased the northern department, which became a part of the American Fur Company, and shortly after Mr. Crooks was made president. He was married March 1, 1825, to Emilie Pratte, daughter of General Bernard Pratte, Sr., who was associated with the Chouteaus and J. B. Sarpy. His death occurred in New York, June 6, 1859.

[2] Robert McLellan, pioneer Indian trader and daring traveler and hunter, was prominent in the early Indian wars under General Wayne, in Ohio, and was comparatively an old man when he crossed the Mississippi to explore the Northwest. He entered the fur trade about the year 1804, and in 1805 he was engaged in trading with the Omaha Indians. In 1807 he formed a partnership with Ramsey Crooks and Robert Stuart, and an expedition of eighty men was equipped by the Chouteaus and sent up the Missouri river under their direction. Unable to proceed far on account of hostile Indians, they established a post at or near Bellevue, Nebraska, which they conducted until 1810, when the partnership was dissolved. The following year McLellan became identified with the Pacific Fur Company, of which Crooks and Stuart also became members. Existing records show that they returned to St. Louis on May 8, 1813, from a trip to the mouth of the Columbia river. Later McLellan was a member of the American Fur Company. The date and place of his death is uncertain, but it probably occurred in St. Louis a short time previous to March 15, 1816, as St. Louis papers of that date contain an item regarding the administration of his estate.

spired the Arikara attack is a concession to his ability and influence as well as an illustration of his reputation for intrigue.

Commerce led to the first exploration and civilized occupation in the Northwest, including Nebraska. The French had led in exploration and the fur trade until the British wrested Canada from them in 1762, and Frenchmen continued to carry on active commercial traffic in this region, with St. Louis, then a French town, as their principal base. But about the beginning of the nineteenth century there was a state of actual hostility between English and American traders. The discovery of the mouth of the Columbia river in 1792 by Captain Gray of the American trading ship Columbia was an important factor in the long dispute over the Oregon boundary. In 1810 John Jacob Astor, of New York, organized the Pacific Fur Company, a partnership including himself, Alexander McKay, Duncan McDougal, Donald McKenzie, David Stuart, Robert Stuart, and Wilson Price Hunt, for the purpose of colonization and trade at the mouth of the Columbia river. Astor was encouraged in his enterprise by the federal government. The partners named, with the exception of Hunt, sailed in the ship Tonquin in September, 1810, and founded Astoria at the mouth of the Columbia river in the spring of the following year. In October of 1810 Mr. Hunt started up the Missouri river with a party in three boats to reach Astoria by the overland route. The expedition came to the mouth of the Nodaway river in November, and went into winter quarters, though Hunt returned to St. Louis, where he spent the winter. He reached the winter camp again on the 17th of the following April, and a few days later the party set sail. It consisted of about sixty men, five of them partners in the enterprise, and they embarked in four boats. On the 28th of April they breakfasted on an island at the mouth of the Platte river, and they halted for two days on the bank of the Missouri, a little above the mouth of Papillion creek, and therefore on or near the site of Bellevue. In Irving's account of this journey no mention is made of any settlement at this point; but he set the example of writing enthusiastically of the beauty of the landscape, which has been assiduously practiced by travelers and settlers ever since. On the 10th of May the party arrived at the Omaha Indian village, situated, by their measurement, about two hundred and thirty miles above their Bellevue encampment.



PIERRE CHOUTEAU, JR.[1]
A MASTER MIND IN THE EARLY FUR TRADE

[1] Pierre Chouteau, Jr., second son of Major John Pierre Chouteau, Sr., and nephew of Col. Auguste Chouteau, Sr., both of whom were among the founders of St. Louis and descendants of an illustrious French family, was born January 19, 1789, in St. Louis, and died October 6, 1865. His father, born October 10, 1758, died July 10, 1849, and uncle, Col. Auguste, born September 26, 1750, died February 24, 1829, were prominent in the early fur trade along the Mississippi and Missouri rivers. Pierre Chouteau, Jr., early showed an aptitude for the same business, and before sixteen years of age became a clerk for his father. In 1806 he accompanied Julien Dubuque to the lead mines of the Upper Mississippi, visiting the town of Dubuque to trade with the Sac and Fox Indians. Three years later he went with his father up the Missouri river in the service of the Missouri Fur Company. Soon after reaching his majority he engaged in the fur trade on his own account, and in 1813 formed a partnership in the business with B. Berthold, which continued until 1831. He was a member of the firm of Bernard Pratte & Company, which secured the agency of the western department of the American Fur Company; in short, in his day he was

On the 12th of June they arrived at the village of the Arikara Indians, about ten miles above the mouth of Grand river, now in northern South Dakota. From this point they proceeded by land to the Columbia river which they reached some distance below the junction of the Lewis and Clark river. They followed down the Columbia in canoes, and reached Astoria on the 15th of February.

Lisa, who represented the Missouri Fur Company, jealously watched the operations of the new Pacific Fur Company, and his successful attempt to overtake Hunt resulted in a famous keel boat race. Lisa explains that this desperate exertion was caused by a desire to pass through the dangerous Sioux country in Hunt's company for greater safety; but it seems likely that his primary object was to prevent Hunt from establishing advantageous trade relations with any of the Indians on the upper river. Lisa traveled with great rapidity, at an average rate of eighteen miles a day, and overtook Hunt's party.

There were twenty-six men on Lisa's boat and it was armed with a swivel mounted at the bow. Twenty men were at the oars. Brackenridge, who, according to Irving, was "a young, enterprising man, tempted by motives of curiosity to accompany Mr. Lisa," gives an account of the starting of the party:

"We sat off from the village of St. Charles on Tuesday, the 28th of April, 1811. Our barge was the best that ever ascended this river, and manned with stout oarsmen. Mr. Lisa, who had been a sea captain, took much pains in rigging his boat with a good mast and main and top sail, these being great helps in the navigation of this river. . . . We are in all twenty-five men, and completely prepared for defense. There is besides, a swivel on the bow of the boat, which in case of attack would make a formidable appearance; we have also two brass blunderbusses. . . . These precautions are absolutely necessary from the hostility of the Sioux bands. . . . It is exceedingly difficult to make a start on these voyages, from the reluctance of the men to terminate the frolic with their friends which usually precedes their departure. . . . The river Platte is regarded by the navigators of the Missouri as a point of as much importance as the equinoctial line amongst mariners. All those who had not passed it before were required to be shaved unless they would compromise the matter by a treat."[1]

On the 28th of June, 1812, Robert Stuart started from Astoria with five of Hunt's original party on a return overland trip. At Ft. Henry, on the north fork of Snake river, now in southeastern Idaho, he was joined by four of the five men who had been detached by Hunt on the 10th of the previous October. After a journey of terrible hardships they established winter quarters on the North Platte river not far east of the place where it issues from the mountains. At the end of six weeks they were driven out by the Indians and proceeded three hundred and thirty miles down the Platte; and then, despairing of being able to pass safely over the desert plain covered with deep snow, which confronted them, they went back over seventy-seven miles of their course until they found a suitable winter camp in what is now Scotts Bluff county, where they went into winter quarters on the 30th of December, 1812. On the 8th of March they

at the head of most of the fur companies of the Northwest. In 1834, with Cabanné and Pratte, he purchased the interest of J. J. Astor in the American Fur Company, and in 1839 established the firm of Pierre Chouteau, Jr., & Company, which almost monopolized the fur trade, retaining its name for over twenty years. His trading posts were located all along the Mississippi river as far north as St. Paul; also along the Osage river; and his most important posts along the Missouri river were St. Joseph, Kansas City, Bellevue, Council Bluff, Ft. Pierre, Ft. Berthold, Ft. Union, and Ft. Benton. He was a man of extraordinary ability, keeping in close touch with his trading posts, and causing every detail of his great business, which extended over a million square miles, to be carried out with exactness. For several years he resided in New York where he was interested in railroads and other industrial enterprises. He was a promoter of scientific expeditions, taking great interest in such researches, and personally gathered an extensive collection of Indian curios.

Pierre Chouteau, Jr., was married June 15, 1813, to Emilie Gratiot, who died in 1863. Five children were born to them; Emilie, born February 13, 1814, married John F. A. Sanford; Julia, born February 28, 1816, married William Maffit; Pierre Charles, died in infancy; Charles Pierre, born December 2, 1819; and Benjamin Wilson, died in infancy.

Charles Pierre Chouteau, who died in January, 1901, married Julia A. Gratiot, and five children were born to them. His oldest son, Pierre Chouteau, born July 30, 1849, now resides in St. Louis and devotes his time to his large property interests there.

[1] H. M. Brackenridge, Journal of a Voyage up the Missouri River, p. 7.

tried to navigate the stream in canoes, but found it impracticable, and proceeded on foot to a point about forty-five miles from the mouth of the Platte, where they embarked, April 16, in a large canoe made for their purpose by the Indians.

Such importance in Nebraska annals as may be attributed to what is known as Long's expedition in 1819 is due to the fact that it was the occasion of the passage of the first steamboat up the Missouri river, and the establishment of the first military post within the limits of the territory. This post, at first called Camp Missouri, was developed into a fort of the regular quadrangular form and named Ft. Atkinson after its founder, General Atkinson, the commander of the Yellowstone expedition. It was occupied until 1827 in the main by the 6th regiment of infantry, and was abandoned, June 27, 1827, when Ft. Leavenworth was established and to which the furnishings of Ft. Atkinson were transferred. A reason assigned for the abandonment of Ft. Atkinson, namely, that the site was unhealthy, does not seem plausible. A better, and probably the real reason is that, owing to the insignificance or failure of the up-river fur trading enterprise, this fort was nowhere and protected nothing, while the new site chosen by Colonel Leavenworth was virtually at the beginning of the Santa Fé and Oregon trails, where traffic was of considerable and growing importance.

The failure of Astor's attempt to effect stable American lodgment on the Columbia, and of the Missouri Fur Company and other private enterprises to overcome or successfully compete with British influence and trade aggression in this new northwest, stimulated the federal government to send out what was intended to be a formidable military and scientific expedition for the purpose of establishing a strong post at the mouth of the Yellowstone river, to ascertain the natural features and resources of the country, and, if practicable, the important line between the United States and the British possessions. There were dreams, if not practical intentions, of establishing a trade with the Orient by way of the Columbia river, across the mountains to the Missouri, and down that stream to the Mississippi, but which were to be realized through the steam railroad across Nebraska instead of the steamboat up the Missouri.

Five steamboats were provided for the transportation of the military arm of the expedition, comprising about a thousand men under the command of Col. Henry Atkinson. Mismanagement and miscalculation chiefly distinguished this pretentious enterprise from first to last. The waste of time and money—except as the latter provided a substantial lining for the pocket of the contractor—in attempting to navigate the Missouri with vessels not specially adapted to its very peculiar demands, the lack of proper provisions for the troops at their winter quarters at Council Bluff, resulting in appalling sickness and death, the entire abandonment of the original and important design of the enterprise—to obtain a sure footing or control in the upper Missouri—and the failure of Major Long to reach the Red river at all seem to justify the criticism which the expedition has received. Two of the five boats were not able to enter the Missouri at all; and "the Jefferson gave out and abandoned the trip thirty miles below Franklin. The Expedition and the Johnson wintered at Cow Island, a little above the mouth of the Kansas, and returned to St. Louis in the following spring."[1] The troops did not reach Council Bluff, where they established Camp Missouri, till the 26th of September, 1819. Their condition in the spring, March 8, is shown in the journal of Long's expedition:

"Camp Missouri has been sickly, from the commencement of the winter; but its situation is at this time truly deplorable. More than three hundred are, or have been sick, and nearly one hundred have died. This fatality is occasioned by the scurvy (scorbutus). Individuals who are seized rarely recover, as they can not be furnished with the proper aliments; they have no vegetables, fresh meat, nor antiscorbutics, so that the patients grow daily worse, and entering the hospital is considered by them a certain passport to the grave."[2]

[1] History of American Fur Trade, vol. 2, p. 569.

[2] Long's First Expedition, vol. 1, p. 195.

The scientific and exploring division of the party, under Major Long, left St. Louis on the 9th of June, 1819, on the steamboat Western Engineer, which is said to have been the first stern-wheel steamboat ever built. This vessel appears to have been well adapted to its purpose and, proceeding by easy stages, reached the mouth of the Platte river on the 15th of September, Ft. Lisa on the 17th, and on the 19th anchored at the winter camp, half a mile above Ft. Lisa and five miles below Council Bluff, and which they called Engineer Cantonment. According to one writer the vessels which attempted to transfer Atkinson's soldiers in the early winter of 1818 were the first steamboats to enter the Missouri river; but the statement that two of them went as far as Cow Island, above the mouth of the Kansas, is contrary to an account of the arrival of the Independence at Franklin, contained in the Franklin *Intelligencer* of May 28, 1819: "With no ordinary sensation of pride and pleasure we announce the arrival this morning of the elegant steamboat, Independence, Capt. Nelson, in seven sailing days (but thirteen from the time of her departure) from St. Louis, with passengers and a cargo of flour, whiskey, iron castings, etc., being the first steamboat that ever attempted ascending the Missouri. The grand desideratum, the important fact is now acknowledged that steamboats can successfully navigate the Missouri."

BENJAMIN LOUIS EULALIA BONNEVILLE[1]

Major Long started to Washington after a sojourn of two weeks at Engineer Cantonment and returned in the spring by land from St. Louis. On account of mismanagement of the expedition and the scandals arising from it the necessary appropriations were stopped and Major Long was authorized to lead an exploring party "to the source of the river Platte and thence by way of the Arkansas and Red rivers to the Mississippi." The party consisted of S. H. Long, major U. S. topographical engineers, six regular soldiers, and eleven other men, most of them such specialists as were needed in a scientific exploration. They started from Engineer Cantonment on the 6th of June, following the Pawnee path southwesterly to the Platte valley, then, proceeding along the north side of the river, crossed the forks a short distance above their junction, and followed the south bank of the South Platte. By the end of June they came in sight of the mountains and discovered the great peak which they named after Major Long.

In May, 1832, Captain Nathaniel J. Wyeth, with a party of eighteen, intent on Astor's original plan of establishing trade on the

[1] Benjamin Louis Eulalia Bonneville, explorer, was born in France, April 14, 1796, and when a small boy was brought with his mother to the United States by a friend of the family, his father being forcibly detained in France by Napoleon on account of having issued offensive political pamphlets from the Bonneville printing establishment. Mrs. Bonneville started a school for young ladies in New York and later her husband was allowed to join her. An appointment was secured for Benjamin Bonneville at the West Point military academy, from which he graduated in 1819. In 1824 he was appointed an aide on the staff of General Lafayette, with whom he toured the United States, and he afterwards went to France as his guest. Upon his return to America, Bonneville was appointed a lieutenant and saw active service on the frontier; later he was promoted to a captaincy. Desiring to engage in the fur trade, he obtained leave of absence from the army by representing that his object was exploration and scientific investigation, and May 1, 1832, started from Fort Osage on the Missouri river with 110 men and twenty four-horse wagons. On the 21st of June, 1832, he camped near Scotts Bluff, Nebraska, then proceeded to the Green river in Wyoming, where the party wintered. Captain Bonneville was absent on this trip three years and four months, and, upon his return to Washington to file a report of the expedition, was informed that he had overstayed his leave and had been dropped from the pay rolls of the army. He appealed to President Jackson, and was reinstated,

Columbia river, passed through Nebraska on the Oregon trail. He traveled in company with William L. Sublette's[1] expedition to the mountains. On his return by way of the Missouri river he passed Council Bluff on the 21st of September, 1833. In 1834, Wyeth, with a party of seventy men, traveled over the same route again—from Independence to the Columbia.

Captain Bonneville was a diligent wanderer rather than an explorer, and he owes his fame largely to the fact that the fascinating Irving was his historian. He took a party of about one hundred men over the Oregon trail in the spring of 1832, and traveled over the whole northwest mountain region, including the Columbia river country, until the spring of 1835. In the year last named Col. Henry Dodge, who afterwards became the first governor of Wisconsin, led an expedition from Ft. Leavenworth up the Platte and along its south fork to the mountains, thence south to the Santa Fé trail, returning by that route.

The federal government had indirectly encouraged the expeditions set on foot by Astor and others and had directly sent the Long expedition, but the most important explorations of the Northwest, under the auspices of the government, were those of Frémont. The first party passed through Nebraska by the Oregon trail in the summer of 1842. This expedition, composed of twenty-seven men, mostly Creole Canadian frontiersmen, included the famous Kit Carson[2] as its guide and a son of Thomas H. Benton, a boy of twelve years, whose sister Lieutenant Frémont, the leader of the expedition, had recently married. This expedition started from Cyprian Chouteau's[3] trading post, on the Missouri river, a little over twelve miles above the mouth of the Kansas, on the 10th of June, 1842. Frémont's orders were, "to explore and report upon the

---

and given command of Ft. Gibson. Later he was transferred to the barracks at Carlisle, Pennsylvania. Here he married Annie Lewis, daughter of Judge Lewis of that place. One daughter, who died at the age of eighteen, was born of this union. His wife died soon after her daughter, but he was not remarried until very late in life. During the Seminole war Captain Bonneville played a conspicuous part and was appointed major of the 6th infantry. He went with his command to Mexico and was made lieutenant-colonel of the 4th infantry, and in 1852 was ordered to the Pacific Coast. In 1855 he became colonel of the 3d infantry and retired from active service September 9, 1861. At the beginning of the Civil war he volunteered his services, and was made mustering officer at Jefferson barracks where he remained until the close of the war. March 13, 1865, he was breveted brigadier-general and retired to his farm near Ft. Smith, Arkansas, where he died June 12, 1878. His expedition, made famous by Washington Irving, was not of commercial or scientific importance, but was without expense to the government.

[1] William L. Sublette, one of four brothers distinguished as fur traders and mountaineers, was born in 1799 and descended from a Kentucky family. He went to St. Charles in 1818, and soon after joined one of Ashley's early mountain expeditions. He was with Ashley at the time of the trouble with the Arikara Indians in June, 1823, and was commissioned sergeant major under Leavenworth in the attack upon the villages. He was also in the celebrated battle with the Blackfeet, July 18, 1832, receiving a severe wound. In 1826, in partnership with two men by the name of Smith and Jackson, he bought the business of Mr. Ashley, and the firm was known as Smith, Jackson and Sublette. This partnership was dissolved upon the death of Smith in 1831, and Sublette continued the business alone until the fall of 1832, when he formed a partnership with Robert Campbell. This firm continued for ten years, being dissolved by mutual agreement January 12, 1842. In 1841 he was appointed aide-de-camp to Governor Thomas Reynolds, and in 1845 made an application for the superintendency of Indian Affairs at St. Louis. While en route to Washington, he died at Pittsburg, July 23, 1845. He was buried on his farm near St. Louis, but later his remains were transferred to Bellefontaine cemetery. He was married March 21, 1844, to Frances Hereford of Tuscumbia, Alabama, who afterwards married his brother, Solomon P. Sublette.

[2] Christopher, better known as "Kit," Carson, was born in Kentucky, December 24, 1809. In 1826 he went to Santa Fé, New Mexico, from there to Old Mexico, and later to California. From the latter state he went to Wyoming and spent some time hunting and trapping on the Green river. He early acquired a reputation for bravery and was an expert marksman. His home was in Taos, New Mexico, for many years, and he was married there in 1843. In 1842 he accompanied Frémont on his first tour of exploration to the Rocky mountains, from which time the two were warm friends, and in nearly all of Frémont's explorations Carson was his guide. He fought Indians in Colorado, Wyoming, New Mexico, and other territories. In 1864 Carson commanded Ft. Union, New Mexico, and in 1865–66 was in command of Ft. Garland, Colorado. He removed from Taos, New Mexico, to Bent county, Colorado, in 1867. At one time he was a scout for Majors, Russell & Waddell. Frank Hall, author of the history of Colorado, and personally acquainted with Carson, says of him: "This man was a rare combination of dauntless courage, keen penetration, true nobility of mind and generous impulse, tempered with discretion and sound sense." Of his personal appearance he says: "In physical mould and stature he was not unlike Napoleon, but in voice and ordinary life the personification of amiability and retiring modesty." Carson City, Nevada, was named for this great scout, who died May 24, 1868, and was buried at Santa Fé, New Mexico.

[3] Cyprian Chouteau, sixth son of Major John Pierre Chouteau, Sr., and nephew of Col. Auguste Chouteau, Sr., was born October 1, 1802, married, and died February 1, 1879, aged seventy-nine years.

country between the frontiers of Missouri and the south pass in the Rocky mountains and on the line of the Kansas and Great Platte rivers." This was accomplished by the middle of August, and the party returned by the same route, reaching the junction of the north and south forks on the 12th of September. Here Frémont also was tempted to undertake the navigation of the river. His own account of the remainder of the journey through Nebraska is a pertinent and interesting story:

J. C. Frémont.[1]

"At this place I had determined to make another attempt to descend the Platte by water, and accordingly spent two days in the construction of a bull boat. Men were sent out on the evening of our arrival, the necessary number of bulls killed, and their skins brought to camp. Four of the best of them were strongly sewed together with buffalo sinew, and stretched over a basket frame of willow. The seams were then covered with ashes and tallow, and the boat left exposed to the sun the greater part of one day, which was sufficient to dry and contract the skin and make the whole work solid and strong. It had a rounded bow, was eight feet long and five broad, and drew with four men about four inches of water. On the morning of the 15th we embarked in our hide boat, Mr. Preuss and myself with two men. We dragged her over the sands for three or four miles, and then left her on the bar, and abandoned entirely all further attempts to navigate this river. The names given by the Indians are always remarkably appropriate; and certainly none was ever more so than that which they have given to this stream—'the Nebraska, or Shallow River.' Walking steadily the remainder of the day, a little before dark we overtook our people at their evening camp, about twenty-one miles below the junction. The next morning we crossed the Platte, and continued our way down the river bottom on the left bank, where we found an excellent plainly beaten road.

"On the 18th we reached Grand island, which is fifty-two miles long, with an average breadth of one mile and three quarters. It has on it some small eminences, and is sufficiently elevated to be secure from the annual floods of the river. As has already been remarked, it is well timbered, with an excellent soil, and recommends itself to notice as the best point for a military position on the Lower Platte.

"On the 22d we arrived at the village of the Grand Pawnees, on the right bank of the river, about thirty miles above the mouth of the Loup fork. They were gathering in their corn, and we obtained from them a very welcome supply of vegetables.

"The morning of the 24th we reached the Loup fork of the Platte. At the place where we forded it, this stream was four hundred

[1] John Charles Frémont, statesman, soldier, and explorer, was born January 21, 1813, in Savannah, Georgia, and died July 13, 1890. He was the son of M. Frémont, a French emigrant, and Ann Beverley, a descendant of one of the most prominent families of Virginia. John C. Frémont was educated at Charleston College, Charleston, South Carolina, where his mother had settled after the death of her husband in 1818. After leaving college he taught mathematics for a time and later became a civil engineer in the southern states. Soon after the winter of 1837 he began his explorations which have made his name a household word throughout the West. He was intimately associated with Col. Thomas H. Benton, whose daughter, Jessie, he secretly married October 19, 1841. In 1842, having gained the support of the government for a further exploration of the Rocky mountain country, he spent many months in that region, and the report of this expedition before Congress gained him such renown that he was encouraged to extend his explorations beyond the mountains to the Pacific Coast, which was made the object of his second journey. He started in May, 1843, and after many hardships reached Missouri on his return in July, 1844, where he was rewarded for his heroism with a brevet captaincy. Upon his third expedition he explored more thoroughly the country he had before traversed, crossing the Sierra Nevada mountains into California, where he

and thirty yards broad, with a swift current of clear water; in this respect differing from the Platte, which has a muddy yellow color, derived from the lime-stone and marl formation of which we have previously spoken. The ford was difficult, as the water was so deep that it came into the body of the carts, and we reached the opposite bank after repeated attempts, ascending and descending the bed of the river in order to avail ourselves of the bars. We encamped on the left bank of the fork, in the point of land at its junction with the Platte. During the two days that we remained here for astronomical observations, the bad weather permitted us to obtain but one good observation for the latitude—a meridian altitude of the sun, which gave for the latitude of the mouth of the Loup fork 41° 22′ 11″.

"Five or six days previously, I had sent forward C. Lambert, with two men, to Bellevue, with directions to ask from Mr. P. Sarpy, the gentleman in charge of the American Company's establishment at that place, the aid of his carpenters in constructing a boat, in which I proposed to descend the Missouri. On the afternoon of the 27th we met one of the men who had been despatched by Mr. Sarpy with a welcome supply of provisions and a very kind note which gave us the very gratifying intelligence that our boat was in rapid progress. On the evening of the 30th we encamped in an almost impenetrable undergrowth on the left bank of the Platte, in the point of land at its confluence with the Missouri—three hundred and fifteen miles, according to our reckoning, from the junction of the forks, and five hundred and twenty miles from Fort Laramie.

"From the junction we had found the bed of the Platte occupied with numerous islands, many of them very large, and all well timbered; possessing, as well as the bottom lands of the river, a very excellent soil. With the exception of some scattered groves on the banks, the bottoms are generally without timber. A portion of these consist of low grounds, covered with a profusion of fine grasses, and are probably inundated in the spring; the remaining part is high river prairie, entirely beyond the influence of the floods. The breadth of the river is usually three quarters of a mile, except where it is enlarged by islands. That portion of its course which is occupied by Grand island has an average breadth from shore to shore of two and a half miles. The breadth of the valley, with the various accidents of ground—springs, timber, and whatever I have thought interesting to travelers and settlers—you will find indicated on the larger map which accompanies this report.

"October 1.—I rose this morning long before daylight, and heard with a feeling of pleasure the tinkling of cow bells at the settlements on the opposite side of the Missouri. Early in the day we reached Mr. Sarpy's residence, and in the security and comfort of his hospitable mansion felt the pleasure of again being within the pale of civilization. We found our boat on the stocks; a few days sufficed to complete her; and in the afternoon of the 4th we embarked on the Missouri. All our equipage—horses, carts, and the *materiel* of the camp—had been sold at public auction at Bellevue. The strength of my party enabled me to man the boat with ten oars, relieved every hour; and we descended rapidly."[1]

On his second expedition, the following year, Frémont passed up the Kansas river to the mouth of the Republican. He then proceeded northwestwardly, leaving the Republican valley on his right or to the north. Soon after crossing and naming the Prairie Dog river

protected the settlers from the Mexicans. Frémont was then commissioned lieutenant colonel and was appointed governor of California, July 4, 1846.

A year later he returned to the East, and in 1848 organized an expedition to find a practicable southern route to California. This was the most disastrous of all his explorations; yet he finally reached Sacramento in the spring of 1849. He was elected United States senator from California, and took his seat when the state was admitted, September 11, 1850. His term expired in 1851, and after a year spent in Europe he organized a fifth party to cross the continent into California by a southern route. In 1855 he settled in New York where he engaged in literary and commercial pursuits. In 1856 he was nominated as the first republican candidate for president of the United States, but was defeated by James Buchanan, the democratic nominee. Frémont afterwards went to California, and in 1860 again visited Europe. Upon the outbreak of the Civil war he was appointed a major-general in the federal army and later was made commander of the mountain district of Virginia and Kentucky. Soon after, Major-General Pope was assigned to the command of the army of Virginia, and Frémont resigned, declining to serve under a general whom he outranked. After the war he was made president of the Memphis, El Paso & Pacific railroad, which was intended to traverse the country he had latterly explored, but, owing to the exposure of the transactions of the Credit Mobilier in connection with the Union Pacific railroad, General Frémont's plans failed to receive the necessary support. In fact, he was arrested on a charge of fraudulent representation concerning the land grants by the government. He denied all responsibility, but the failure of his projects reduced him to poverty. In 1878 he was appointed governor of Arizona territory and served four years. He afterwards retired, leading a quiet life up to the time of his death in 1890.

[1] Frémont's First and Second Expeditions, pp. 78–79.

he again entered the Republican valley. He crossed the present Nebraska line not far from the western boundary of Hitchcock county, and, crossing Dundy county diagonally to the northwest, entered the valley of the South Platte, which he followed to the mountains. Frémont complains on this trip of the difficulty of traveling on account of heavy rains, which is another indication of the fallacy of the popular notion that rainfall has increased in this portion of the plains since its occupation and cultivation by white men.

Manuel de Lisa

It is probable that there was a trading post called Ft. Charles, about six miles below Omadi, kept by one McKay as early as 1795. In 1802 Cruzatte's post, also a trading establishment, was situated two miles above old Council Bluff. In 1807 Crooks and McLellan established a post not far above the mouth of the Papillion; but they abandoned it in 1810 when they formed the Pacific Fur Company. This was probably the first settlement on the site, or in the immediate neighborhood of Bellevue. The tradition that Manuel Lisa made a settlement at Bellevue in 1805 is probably groundless. He established his post, known as Fort Lisa, at a point between five and six miles below the original Council Bluff —where Lewis and Clark had a council with the Missouri and Otoe Indians, August 3, 1804, and now the site of the town of Ft. Calhoun—as early as 1812. Manuel Lisa was doubtless the most remarkable man among the early explorers and traders of the Missouri river. "In boldness of enterprise, persistency of purpose and in restless energy, he was a fair representative of the Spaniard of the days of Cortez. He was a man of great ability, a masterly judge of men, thoroughly experienced in the Indian trade and native customs, intensely active in his work, yet withal a perfect enigma of character which his contemporaries were never able to solve."[1] He was selected to command in the field nearly every expedition sent out by the St. Louis companies of which he was a member. Lisa was born of Spanish parents, in Cuba, in 1772. The return of Lewis and Clark excited his ambition to establish trade on the upper Missouri, and in 1807 he led an expedition as far as the

[1] Chittenden, History of American Fur Trade, p. 113.

[2] Manuel de Lisa, Spanish fur trader of Nebraska, was born in Cuba, September 8, 1772, and was a son of Christopher Lisa, who came to this country about the time that Spain took possession of Louisiana. Very little is known of his father's career except that he was in the service of the Spanish government during most of his lifetime. Manuel Lisa went to St. Louis about the year 1790, and at once became interested in the fur business. The records show that in 1800 he secured from the government of Spain the exclusive right to trade with the Osage Indians along the Osage river. This indicates that he was already an important factor in the fur traffic, for the Chouteaus had controlled the trade of that territory for twenty years. In 1802 a company was formed by Lisa and others to operate against the Chouteaus, but was soon disbanded owing to dissension among its members. There is a tradition that Lisa came up the Missouri river on a prospecting tour as early as 1805, and landing on the present site of Bellevue, Nebraska, gave that place its name. However this may be, it is certain that in 1807 he came up the Missouri to engage in the fur trade and established a post at the mouth of the Bighorn river, and another, Ft. Lisa, near the present site of Ft. Calhoun, Nebraska. He returned the following year to St. Louis and assisted in the organization of the St. Louis Fur Company. In the spring of 1809 he again visited his post on the Bighorn river, returning in the fall to St. Louis. In 1811–12 the St. Louis Fur Company was reorganized, Lisa becoming

mouth of the Bighorn where he established a post called Fort Lisa. The Missouri Fur Company of St. Louis, in which he was a partner, was organized in 1808–9. In the spring of 1809 he went up to the Bighorn post with a party of one hundred and fifty men, but returned to St. Louis for the winter. Every year, from 1807 to 1819, inclusive, possibly with one exception, he made the up-Missouri trip—twice to the Bighorn, a distance of two thousand miles, several times to Fort Mandan, fifteen hundred miles, the rest of the journeys being to Ft. Lisa at Council Bluff, six hundred and seventy miles. After the establishment of this post he spent most, probably all of the winters there, returning to St. Louis in the spring each year. His last sojourn in his Nebraska home was in 1819, and this time his wife, whom he had recently married in St. Louis, was with him. He had kept at least one woman of the Omahas as wife or mistress, and there is a tragic story of his final separation from her before his last trip back to St. Louis, and of her giving up their two children to him because she thought it would be best for them. As is often the case with original and adventurous spirits, in a commercial sense, Lisa sowed that others might reap, and he died at St. Louis, in August, 1820, leaving little of the material gain for which he had striven with wonderful energy and at such great risks. While McKay and Cruzatte, and perhaps others of the white race may have had lodgment in Nebraska before Lisa, yet it seems fair to call him the first real white settler. Thomas Biddle, the journalist of the Yellowstone expedition, in a report to Atkinson, commandant at Camp Missouri, dated October 29,[1] 1819, says that Lisa's party went to the mouth of the Bighorn in 1809 and that they wintered there that year, and on the waters of the Columbia in 1810–11; but Lisa, himself, returned to St. Louis in the fall of 1809. By Biddle's showing the Missouri river fur trade was on the whole unprofitable, and the various companies or partnerships were short-lived, and according to his statement, the Missouri Fur Company expired in 1814 or 1815; by other accounts it dissolved between 1828–30, Joshua Pilcher[2] remaining its president after Lisa's death. Biddle tells us also that after the dissolution of the Missouri company Lisa, Pilcher, and others bought a new company for $10,000, and they added goods to the amount of $7,000. As Lisa died in 1820, he could not have joined Pilcher in this last enterprise after the expiration of the Missouri company, if it had lived until 1828 or 1830. The confusion must be accounted for by the fact that another company of the same

its principal promoter, and in its interest he continued to make yearly trips up the Missouri river. In 1813, he was made subagent for all the Indian tribes along the Missouri north of Kansas, and in August of that year visited the Omahas, spending the winter at a post which he had previously established a few miles north of the present site of Omaha. This post has been generally known as Ft. Lisa. He remained here until the spring of 1815, and established friendly relations with the Omahas and other Indian tribes, returning to St. Louis with forty-three chiefs authorized to negotiate treaties of friendship with the United States government. Lisa was not only one of the chief directors of the St. Louis Fur Company, but was also a prime mover in the Missouri Fur Company of which he became president. He also became manager of the firm of Cabanné & Company, but in 1819 was deprived of this trust because he came down the river before the date authorized by his contract. In 1819 the famous Yellowstone expedition ascended the Missouri river and established winter quarters at Lisa's trading post in Nebraska, receiving much assistance and support from Lisa. The latter returned to St. Louis in April, 1820, but in August became seriously ill and died August 12, at Sulphur Springs, a suburb of St. Louis. He was beyond question the most active and successful man who ever entered the Indian country in the early days, and rendered much service to the government. He was also a prominent citizen of St. Louis; was one of the incorporators of the Bank of St. Louis in 1813, and was otherwise interested in the commercial life of that important place. Manuel Lisa was twice married among his own people, and also had a wife from among the Omaha tribe, whose hand he had sought partly to ingratiate himself into the good will of the Indians, and to strengthen his influence against the competition of rival traders. This Indian woman's name was Mitain, and two children were born to them, Rosalie and Christopher, for whose education Lisa provided before his death, and who were recognized in his will, as his "natural children." Rosalie married a man by the name of Ely, and now (1904) lives with her daughter, Mrs. O. C. Strohm, at Trenton, Illinois. Little is known of his first wife except that her name was Mary or Polly Charles. She died in 1817, having borne her husband three children: Sallie, who died February 22, 1809; Manuel, born October 12, 1809, and died June 29, 1826; and the third child dying in infancy. Lisa's second marriage, August 5, 1818, was with Mary Hempstead Keeny, of St. Louis. Mrs. Lisa spent the winter of 1819–20 at Lisa's post in Nebraska, and was probably the first white woman to ascend the Missouri river so far. She died in Galena, Illinois, September 3, 1869.

[1] American State Papers, vol 6, p. 201.

[2] For biography see foot-note 2, p. 62.

name was organized after the dissolution of the first, and it is to that doubtless that some writers refer. Long notes that Major Pilcher and Lucien Fontenelle were in the employ of the Missouri Fur Company at the beginning of the year 1820. Not long after Lisa's death the company, now in charge of Pilcher, moved its post from Ft. Lisa down to the site of Bellevue. Chittenden states that Lucien Fontenelle[1] and Andrew Drips[2] bought the post soon after this time and retained it many years, though in another place this author says that they built a post at Bellevue. It is probable that this Fontenelle was connected with one of the numerous French royal families, and it is stated that he committed suicide at Ft. Laramie; but reliable local accounts say that he left his mountain trading post in 1839 and came to Bellevue where he lived with his family until he died, from intemperate habits, in 1840. He married a woman of the Omaha tribe and they had five children. One of them, Logan Fontenelle, became chief of the Omahas and a man of much note among the Indians and the earliest white settlers. Henry Fontenelle, brother of this Omaha chief, has given the following account of his death:

"In June, 1855, Logan went with the tribe as usual on their summer buffalo hunt, and as usual their enemies, the Sioux, laid in wait for the Omahas in vicinities of large herds of buffalo. The first surround they made on the buffalo the Sioux made a descent upon them in overwhelming numbers and turned the chase into battle. Four Omahas were killed and several wounded. In every attempt at getting buffaloes the Sioux charged upon them. The Omahas concluded it was useless to try to get any buffalo, and retreated toward home. They traveled three days, and, thinking they were out of danger, Logan, one morning, in company with Louis Saunsoci and another Indian started on ahead of the moving village, and were about three miles away when they espied a herd of elk in the distance. Logan proposed chase, they started, that was the last seen of him alive. The same moment the village was surrounded by the Sioux. About ten o'clock in the morning a battle ensued and lasted until three o'clock, when they found out Logan was killed. His body was found and brought into Bellevue and buried by the side of his father. He had the

MARY MANUEL LISA[3]
FIRST WHITE WOMAN TO LIVE IN NEBRASKA

[1]For biography see foot-note 3, p. 62.
[2]For biography see foot-note 1, p. 63.
[3]Mary Manuel Lisa, wife of Manuel de Lisa, was a daughter of Stephen and Mary Lewis Hempstead, and was born at New London, Connecticut, on October 25, 1782. She was descended from the vigorous and profoundly religious Puritan and Pilgrim stock. Her father took an active part in the Revolutionary war, serving under command of the brave but ill-fated Nathan Hale. Born amid the closing scenes of this great struggle, her love of country and patriotic feelings were very strong. She was also reared in a Christian atmosphere and early became an active member of the Congregational church of her native town. On June 2, 1806, she was married to John Keeny, a sea captain, who was a widower with several children. She devoted herself to the care of these children. In 1810 Mr. Keeny died, and the following year, in company with her parents, she set out for St. Louis to join four brothers who had made a home in the territory of Missouri. About 1816, Mrs. Keeny, with seven others, mostly members of her father's family, organized the first Presbyterian church of St. Louis. This was the first Protestant church in St. Louis, and with but one exception the first west of the Mississippi river. To this church she devoted many years of her life, being one of its most efficient and active members. On August 5, 1818, Mrs. Keeny was married to Manuel Lisa, renowned as an Indian fur trader. In 1819 Mrs. Lisa accompanied her husband to his trading post at Council Bluff, on the Nebraska side of the Missouri river, a few miles north of the present site of Omaha. Here she

advantage of a limited education and saw the advantage of it. He made it a study to promote the welfare of his people and to bring them out of their wretchedness, poverty, and ignorance. His first step to that end was to organize a parole of picked men and punish all that came home intoxicated with bad whisky. His effort to stop whisky drinking was successful. It was his intention as soon as the Omahas were settled in their new home to ask the government to establish ample schools among them, to educate the children of the tribe by force if they would not send the children by reasonable persuasion. His calculations for the benefit of the tribe were many, but, like many other human calculations, his life suddenly ended in the prime, and just as he was ready to benefit his people and sacrifice a life's labor for helpless humanity. After Logan was killed the Omahas went to Bellevue instead of coming back to the reservation whence they started, and wintered along the Missouri river between Calhoun and the reservation, some of them at Bellevue. In the spring of 1856 they again went back to their reservation, where they have been since."[1]

LOGAN FONTENELLE (SHON-GA-SKA)[5]
ELECTED PRINCIPAL CHIEF OF THE OMAHAS, SEPTEMBER, 1853
Engraving from a photograph owned by John Q. Goss, Bellevue, Nebraska

Between the years 1822 and 1826 J. P. Cabanné[2] established a post for the American Fur Company at a point nine or ten miles above the later site of the Union Pacific bridge at Omaha. It is probable that Joshua Pilcher succeeded Cabanné in the management of the post in 1833, and between that year and 1840 it was moved down to Bellevue and placed under the management of Peter A. Sarpy. Pilcher succeeded General Clark, of the Lewis and Clark expedition, as superintendent of Indian affairs at St. Louis in 1838. Rev. Samuel Allis, a missionary to the Pawnee Indians and who was frequently at Bellevue, as early as 1834 and thereafter, states that in the year named his party camped at the fur company's fort, and that Major Pilcher was in charge of the post; also that soon after Peter A. Sarpy came into that part of the country he was clerk for Cabanné.[3] Chittenden says that "Fontenelle and Drips apparently bought Pilcher's post and established it in their own name which it retained for many years." Thus both the Missouri Fur Company's post and the American Fur Company's post appear to have been transferred to Bellevue, the one from Fort Lisa and the other from Cabanné's. Rev. Moses Merrill,[4] a Baptist missionary to the Otoe Indians, who came to Bellevue on his mission in the fall of 1833, speaks in his diary of visiting Cabanné's

spent the winter of 1819–20. She is believed to have been the first white woman to reside in Nebraska or to ascend the Missouri river. Mrs. Lisa's second husband died in August, 1820; and her only son died at the age of twenty-two years. While she lived in St. Louis, among her wide circle of friends and acquaintances, she was known as "Aunt Manuel," and in houses of suffering and mourning few were as frequently found. In 1851 she removed to Galena, Illinois, to take charge of her brother's household, and there also she was distinguished for philanthropy. She died September 3, 1869, in Galena, at the age of eighty-seven years. Mrs. Nicholas Stahl, a niece of "Aunt Manuel," now resides in Galena, Illinois; Thomas H. Beebe, a brother of Mrs. Stahl, lives in Evanston, Illinois, while Mrs. Marcia Hempstead Corwith, whose father was a nephew of Mrs. Lisa, lives in Highland Park, a suburb of Chicago.

[1] *Trans. Neb. State Hist. Soc.*, vol. 1, p. 81,

[2] For biography see foot-note 2, p. 63.

[3] *Trans. Neb. State Hist. Soc.*, vol. 2, p. 162.

[4] For biography see foot-note 3, p. 63.

[5] Logan Fontenelle, chief of the Omahas, was born May 6, 1825, at old Ft. Atkinson, Nebraska, near the present site of Ft. Calhoun. He was a son of Lucien Fontenelle, a descendant of the French nobility, and an Indian woman of the Omahas. Logan Fontenelle

post as late as April 1, 1839, so that it could not have been removed to Bellevue before that time; and Mr. Merrill, whose diary comes down to August 18, 1839, makes no mention of the removal. In this diary Mr. Merrill frequently speaks of riding from Bellevue to "the trading post," eighteen miles, which was in charge of Major Pilcher, and evidently the old Cabanné post. On the 7th of March, 1834, Merrill makes the following entry in his diary: "Sublette and Campbell[1] have established a trading post here in opposition to the American Company." On the 10th of May, 1834, he records that he set out from the trading post eighteen miles above Bellevue, which must have been Cabanné's, to the Otoe village, which he says was twenty-five miles distant. After Mr. Merrill had established himself at the Otoe mission house on the south side of the Platte he records, May 30, 1836, that he rode to Cabanné's post, thirty miles. Mr. Merrill repeatedly states that he and the women who assisted him in his mission work went backwards and forwards daily between the mission house and the Otoe village, so that they could have been only a short distance apart. The permanent Otoe villages were on the west side of the Platte river about forty miles from its mouth, not far from the present village of Yutan. The Merrill mission establishment was about eight miles above the mouth of the Platte where a chimney still marks its site. Merrill's diary tells us in a vague way that the Otoe villages were moved down the Platte from the site in question during the summer of 1835. Merrill gives the distances from the trading post to the villages and to the mission as the same, showing that they were very near together; and his diary gives other ample evidence of that fact. Allis says that Merrill's establishment was on the Platte, six miles from Bellevue.[2]

In a paper by Rev. S. P. Merrill, the missionary's son,[3] the following statement is made: "A few miles above Bellevue, just below Boyer's creek, was the trading post of Cabanné.[4] This post was sold about this time to a fur company, and in 1834 was occupied by Major Pilcher." This agrees with another statement that Pilcher succeeded Cabanné as manager of the post in 1833. Mr. Merrill states also that at Bellevue was a government agency for the Otoes, Pawnees, Omahas, and Missouris. "Bellevue," he says, "was at first a trading post of the Missouri Fur Company. They had sold out to M. Fontenelle, and he had disposed of a part of his holdings to the government. Here Major John Dougherty was government agent and Major Beauchamp was assistant. There were here now but few men. During the summer before, the cholera had carried off seven out of ten men in twenty-four hours. On the bank of the river were the poorer huts, while higher up were the agency buildings. A quarter of a mile below were the buildings of Fontenelle." Mr. Merrill says that under Major Dougherty were "his brother, Hannibal, assistant, a teacher, an assistant teacher, two blacksmiths to care for the farming tools, and one or two farmers

---

received his education in St. Louis, Missouri, but at the death of his father in 1840 he returned to Bellevue, where he was United States interpreter until 1853. When negotiations were opened for the transfer of the Omahas to their present reservation, in 1853, he was elected principal chief of the tribe and served until his death. He was killed in a battle with the Sioux on Beaver creek, June 15, 1855, and was buried beside his father at Bellevue. His control over his tribe was absolute, and he was respected and honored by all the whites. His influence was always exerted to induce his people to become civilized and educated, and to follow the peaceful pursuit of agriculture.

[1] Robert Campbell, early trader, was born in Aughlane, Tyrone county, Ireland, in 1804. He went to St. Louis in 1824, and the following year was ordered by his physician to the mountains. He joined one of Ashley's trading parties and was completely restored to health. He remained in the mountains for over twenty years. In 1832 he formed a partnership with William L. Sublette, an old friend and mountain companion. This firm existed ten years and was a strong competitor of the American Fur Company. Eventually he returned to St. Louis where he became a prominent citizen. He was president of the State Bank and of the Merchant's National Bank; and at one time was owner of the Southern Hotel, so widely known throughout the country. In 1851 he was commissioned with Father De Smet to treat with the Indians in the conference near Ft. Laramie, and in 1869 was appointed by President Grant on a similar mission. His death occurred in St. Louis, October 16, 1879.

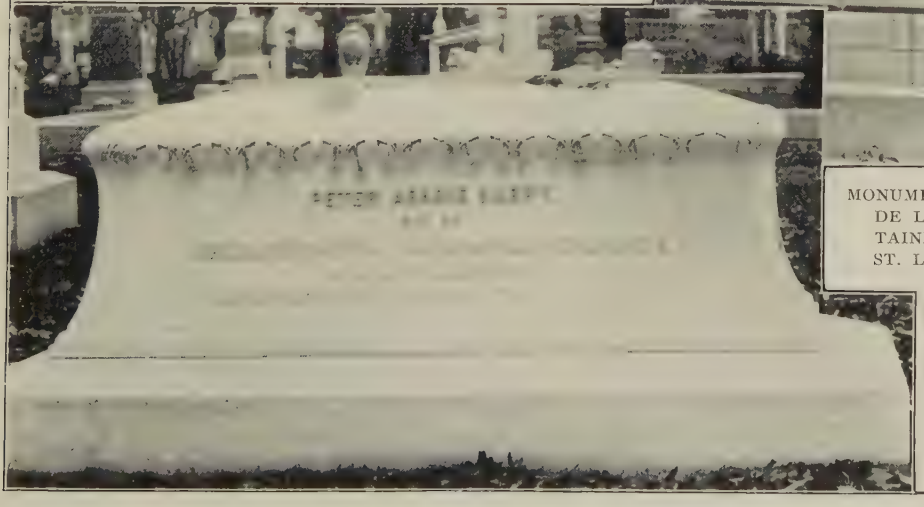
[2] *Trans. Neb. State Hist. Soc.*, vol. 2, p. 150.

[3] *Trans. Neb. State Hist. Soc.*, vol. 5, p. 206.

[4] The mouth of the Boyer at this time was eight miles below the present town of Ft. Calhoun.

MONUMENT OF JOHN D. SARPY, CALVARY CEMETERY, ST. LOUIS

MONUMENT OF MANUEL DE LISA, BELLEFONTAINE CEMETERY, ST. LOUIS



MONUMENT OF PETER A. SARPY, CALVARY CEMETERY, ST. LOUIS

Photographs by A. E. Sheldon

to teach the Indians how to make their crops." The missionary, Rev. Moses Merrill, unfortunately for the cause of accurate history, was an almost morbid religious devotee, and his diary is so largely given up to recording his devotions and varying religious moods as to leave too little room for intelligible historical data.

P. A. Sarpy, born 1804, was a son of Gregoire Berald and Pelagie (Labadie) Sarpy. His father is said to have been the first man to attempt the navigation of the Missouri river in a keel boat. But little is known of his early life except that he was of French extraction and was educated in St. Louis where his relatives, the Chouteaus and others, occupied high social position. His elder brother, John B. Sarpy, was an important factor in the fur trade and the general commercial life of St. Louis. He was born in that city, January 12, 1798, and was first employed as a clerk for Berthold and Chouteau, with whom he was associated in business for the balance of his life. His first wife was the eldest daughter of John P. Cabanné, whom he married September 14, 1820. She died March 24, 1832, leaving one daughter. Mr. Sarpy was again married April 14, 1835, to Martha Russell. She died in 1845, in New Orleans, leaving a son and daughter. On the 15th of April, 1847, the oldest daughter, Virginia, married Frederick Berthold, who died in St. Louis in 1868. She was married a second time to Armand Peugnet. Mrs. Peugnet is still living (1904) in St. Louis. John B. Sarpy's only son, John R. Sarpy, who was born December 27, 1838, died while yet a young man. John B. Sarpy died April 1, 1857, in his sixtieth year. Thomas L. Sarpy, another brother, was a clerk in the service of the American Fur Company when he met a violent death, January 19, 1832, in an explosion at the post of the Ogallala Indians. About 1823 Peter A. Sarpy came to Nebraska as a clerk for the American Fur Company under John P. Cabanné, and in 1824 succeeded him as manager of the post at Bellevue. Shortly after, he established a post on the Iowa side of the Missouri river which he called Traders' Point; this was used for the accommodation of the whites, while Bellevue catered chiefly to the Indian trade. On account of the encroachments of the river, Traders Point was abandoned in 1853 and a new location established at St. Mary, four miles down the river. In 1853 Colonel Sarpy established flat-boat ferries across the Elkhorn river near where Elkhorn City was afterwards located, and on the Loup Fork near the present site of Columbus. He was a man of peculiar temperament, kind at heart, but in the pursuit of his business enterprises he spared no one. He was small and wiry in build, possessing great physical endurance. He loved the freedom of the West and was intimately associated with the Indians, being honored with the title of "white chief" by the Omahas. He married, according to Indian custom, Ni-co-mi, a woman of the Iowas, to whom he was greatly attached, and whom he as greatly feared. Ni-co-mi had been the wife of Dr. John Gale, who had deserted her and their child. In 1854 Mr. Sarpy was a member of the Old Town company which laid out the town of Bellevue, and in company with Stephen Decatur and others he laid out the town

PETER A. SARPY
From an old daguerreotype taken in 1855 at Council Bluffs, Iowa, and given to the Nebraska State Historical Society by J. Sterling Morton.

of Decatur, where he had maintained a trading post. In 1862 he moved to Plattsmouth, where he died January 4, 1865. Sarpy county was named in his honor.

Mr. Allis gives the following sketch of Mr. Sarpy's characteristics:

"He possessed some excellent qualities and traits of character; although sometimes rough and uncouth, was a high-toned gentleman who exerted a great influence among the whites as well as the Indians. He was particularly generous to white men of distinction and wealth, also to the Indians when it paid well, but exacted every penny of his hired men and others who earned their living by labor. Still he was generous to the needy. He was active and persevering in the transaction of the various kinds of business, employed considerable capital in Indian and other trade, but was often wronged by his clerks, which vexed him, as he was very excitable. For a business man with a large capital he was rather a poor financier. Toward the latter part of his life he became addicted to intemperance, a habit of seven-tenths of the Indian traders. During my acquaintance of thirty years with him he was always kind to me and would accommodate me in every way he could. He was all that could be wished for a man of the world, except the habit of intemperance. He was extremely fond of fast horses and always kept a plenty. He was also fond of good dogs and always had a number. During the last few years of his life he suffered much; had several severe attacks, and at last died in Plattsmouth, Nebraska. His relatives lived in St. Louis, and his remains were taken there for final interment. It was said that he left a property of $75,000, most of which was in St. Louis. He had one brother, John B., who died before him, and who was a member of the American Fur Company."[1]

MRS MOSES MERRILL

Mr. S. D. Bangs further sketches Sarpy as follows:

"In April, 1855, Col. Peter A. Sarpy was keeping a store at St. Mary, Iowa, then a station on the stage route from St. Joe to Council Bluff. As my destination was Bellevue, Nebraska, I stopped here and alighted from the stage with Col. Gilmore, a friend of Sarpy, who received us with a cordial and affectionate greeting. We were invited to the store, where refreshments were served, and I had a good opportunity to observe the eccentricities of our worthy host. He was about fifty-five years of age, rather below the medium height, black hair, dark complexion, well knit and compact frame, and a heavy beard that had scorned a razor's touch for many a year. His manner was commanding, his address fluent, and in the presence of the opposite sex, polished and refined."

The St. Louis relatives of Col. Sarpy deny

[1] *Rept. Neb. Hist. Soc.*, vol. 2, p. 162.

[2] Major Joshua Pilcher, pioneer Indian trader, was born in Culpeper county, Virginia, March 15, 1790. During the war of 1812 he went to St. Louis where he engaged in various mercantile pursuits, though he was a hatter by trade. He was for some time associated in business with Col. Thos. F. Riddick, a relative, and in 1820 he entered the fur trade as a member of the reorganized Missouri Fur Company, of which he became president in 1821 upon the death of Manuel Lisa. He remained at the head of this company until its dissolution about 1830. For two years he was in charge of the post of the American Fur Company in Nebraska near Council Bluff. In 1838 Mr. Pilcher was appointed by President Van Buren to the office of superintendent of Indian affairs at St. Louis, made vacant by the death of General William Clark. He held this position until his death, which occurred in St. Louis, June 5, 1843. He married an Indian woman, and is represented as a man of great ability, strict integrity, and high standing in business and social circles.

[3] Lucien François Fontenelle, pioneer Indian trader, was a direct descendant of a powerful family of the French nobility, being a son of François and Marie-onise Fontenelle, who sought their fortunes in New France, and settled near New Orleans, where Lucien was born about 1800. Records of the old St. Louis cathedral at New Orleans give the date of his baptism as 1803. In 1816 he left New Orleans and entered the employ of the American Fur Company with headquarters in the vicinity of Ft. Laramie. In 1835 he was engaged in the Indian trade with Andrew Drips, with a post at Ft. Laramie and a large storehouse at Bellevue, Nebraska. Bellevue was his home from the time he first came into the West. He was intimately associated with the Omaha Indians and married a woman

that he left any considerable estate. He provided, however, for the payment of an annuity of $200 to Ni-co-mi, his Indian wife, which amount was paid regularly until her death.

of this tribe. It is said that the marriage ceremony was performed by the renowned Father De Smet, a Catholic missionary, but there seems to be no evidence that Father De Smet ever came into contact with Fontenelle or the Omaha Indians until 1838, three years before the death of Fontenelle, whose children were then all grown. Five children were born of this union: Logan, Henry, Albert, Tecumseh, and Susan. The latter married Louis Neal, a half breed; Logan, the oldest son, was elected chief of the Omahas; and Henry held many positions of prominence among his people. Albert learned the blacksmith trade and became government smith to the Pawnees. He met an accidental death, which was also the fate of Tecumseh, who was killed by Louis Neal, his brother-in-law, in a drunken quarrel. Louis Neal was born near the present site of Kansas City, Missouri. The date of his birth is unknown, but it was probably about 1830. Bellevue was his home in the early '40s, but in 1853 he moved to Nemaha county where he owned and lived on the present town site of Aspinwall. This was within the half-breed reservation. In 1867 Neal moved to the Omaha reservation, where he at present (1904) resides, near Quinton. He has a daughter, Mrs. May Lambert, a resident of Decatur.

Lucien Fontenelle gave all his children a good education and they were baptized in the Catholic faith. In 1839 he abandoned his mountain trade and lived with his family in Bellevue until his death, which occurred in the spring of 1840. He was buried at Bellevue, and later his distinguished son, Logan, was buried by his side. Rev. Samuel Allis, the pioneer missionary, in his memoirs, published in the *Transactions of the Nebraska State Historical Society*, vol. 2, p. 164, says: "The house in which he (Lucien Fontenelle) died yet stands on the river bank, near Bellevue, close by where the cars of the Southwestern railroad run daily, . . . He died . . . from the effects of intemperance." According to a statement of his niece, Mrs. A. L. Thompson, of New Orleans, he was of royal descent, and died in 1836 at or near Alton, Illinois, on his way back to Bellevue from a visit to his sister Amelia at New Orleans. Ibid., vol. 5, p. 90.

[1] Andrew Drips, fur trader, was born in Westmoreland county, Pennsylvania, in 1789. But little is known of his early history. He went west to St. Louis and was interested with Captain Joseph Perkins in the fur trade. In 1820 both became members of the Missouri Fur Company upon its reorganization. Soon after the organization of the American Fur Company he became associated with it and accompanied many expeditions in its interest, gaining a wide reputation as a mountaineer. In 1842 he was appointed by President Tyler Indian agent for the upper Missouri tribes and was stationed at St. George for four years. At the expiration of his term of office he reentered the employ of the American Fur Company. For some years he lived in the vicinity of Bellevue, Nebraska, and was for a time associated with Lucien Fontenelle and Joshua Pilcher. It is said that he married an Indian woman of the Otoe tribe by whom he had several children. One daughter, Mrs. William Mulkey, of Kansas City, Missouri, was living in 1902, and reputed to have in her possession valuable historical papers. Major Drips died in Kansas City, September 1, 1860, at the age of seventy-one years.

[2] John Pierre Cabanné, Indian trader, and a prominent citizen of St. Louis in the early days of that city, was born about the year 1773. The first brick country residence of St. Louis, known as the "Cabanné mansion," was built by Mr. Cabanné, on the King's Highway, near the present site of Forest Park. Here the family resided until 1833, when he built a city residence on Vine street. Mr. Cabanné was engaged in merchandising in St. Louis for over twenty years, and was prominent in all leading enterprises of that city. He was one of the commissioners for the organization of the Bank of Missouri, incorporated December 17, 1816. About 1814 or 1815 he became identified with the American Fur Company and was a partner in the company for many years. After 1820 he devoted his attention almost exclusively to the fur trade and made many trips up the Missouri river in its interest. Between 1822 and 1826 he established a post which was known as Cabanné's post, about ten miles above the present site of Omaha. He remained in charge of this post until 1833. Major Pilcher succeeded him and the post was later removed to Bellevue. He was also for a time in charge of the post of the American Fur Company at Bellevue, where he was succeeded by Sarpy in 1824. Mr. Cabanné died in St. Louis, June 27, 1841, at about sixty-eight years of age. J. Charles Cabanné, of St. Louis, a grandson of John P. Cabanné, states that his grandfather spent much time at his post in Nebraska; that he was associated with Pierre Chouteau, Jr., Bernard Pratte, Bartholomew Berthold, and John B. Sarpy, and that he was thoroughly conversant with the languages of several Indian tribes. There is no portrait of him in existence.

[3] Moses Merrill, pioneer Indian missionary, was born in Sedgwick, Maine, December 15, 1803, and was a son of Daniel and Susannah (Gale) Merrill. His father was a soldier in the Revolutionary war and afterwards became a faithful minister of the Baptist church. Moses Merrill obtained an excellent education, receiving instruction in the district schools and also in an academy. His young manhood was spent largely in teaching school in the vicinity of his native county. In April, 1829, he was licensed to preach, and after teaching a short time in Albany, New York, he offered himself to the New York Baptist state convention as a missionary among the Indians of that state, but no appointment was made. In the fall of 1829 he went to Ann Arbor, Michigan, and in company with his brother started a small school which he continued to teach for some time, devoting himself also to theological study. June 1, 1830, he was married to Eliza Wilcox, and in September, 1832, having received an appointment from the Baptist Missionary Union, they went as missionaries to Sault Ste. Marie. The following spring they were transferred to the Shawnee mission in Missouri, and after a brief stay there Mr. Merrill and his wife went to Bellevue, arriving there November 19, 1833, where a mission school was at once opened. In 1835 the Otoe Indians were removed to a new location on the Platte river, six miles from its mouth and a new Otoe village was established. To this village Mr. Merrill and family removed on September 18, 1835, and with his faithful wife he labored among the Indians, teaching, ministering and preaching to them until his life was cut short by consumption February 6, 1840. He was buried on the east bank of the Missouri river, the Rev. John Dunbar, of the Presbyterian Board of Missions, officiating at his funeral. Unfortunately, no portrait of Moses Merrill can be obtained, but we are able to present an excellent likeness of Mrs. Merrill, his faithful wife and colaborer. Rev. Samuel P. Merrill, second son of Moses Merrill, who was born at the Otoe mission, July 13, 1835, is engaged in home mission work with headquarters at Rochester, N. Y. (1904).

Andrew Hughes.

EARLY MISSOURI RIVER STEAMBOATS

The lower view represents a steamboat wreck on the Missouri river.—Copied from Early Steamboat Navigation on the Missouri River, Chittenden. The others are from photographs owned by the Nebraska State Historical Society.

# CHAPTER III

EARLY TRAVEL AND TRANSPORTATION—RIVER NAVIGATION—OVERLAND STAGE—PONY EXPRESS—FIRST RAILROAD AND TELEGRAPH

TRAVEL and transportation, whose impetus is the desire for the exchange of ideas, personal impressions, and material goods, have always been the prime factors of civilization; and where travel and trade have been freest, civilization has there reached its highest plane. There is as yet but scant knowledge of Indian or prehistoric routes of travel in Nebraska, and the subject is in the main a future field for students. One class of investigators insist that, on their longer journeys, Indians traveled by a sort of instinct and irregularly, and not by fixed or definite routes. Mr. Edward A. Killian in a discussion of the subject[1] quotes T. S. Huffaker, of Council Grove, Kansas, "who came to the frontier in 1846, as a missionary and teacher," as follows:

"When I first came among the Indians, now more than half a century ago, there were at that time no well-defined trails between the locations of the different tribes, but between the several bands of the same tribe, there were plain, beaten trails. Each band had a village of its own, and they continually visited each other. The different tribes would change their location perpetually, and never remain in one location long enough to mark any well-defined trails, in going from tribe to tribe."

Mr. Killian argues that the conclusions to be drawn from the above statements are:

"That there were no permanent trails over the plains in prehistoric times, as shown by the facts and conditions set forth herein, and there is neither evidence nor tradition for such an assumption. There probably were prehistoric routes, sometimes several miles in width, but no trails, roads, or paths as understood by the use of these words at the present day. In a timbered or mountainous country, the case was different, and prehistoric trails existed."

In a discussion of this subject in the same journal[2] Mr. A. T. Richardson quotes General G. M. Dodge, who became very familiar with the plains country during the construction of the Union Pacific railroad:

"All over our continent there were permanent Indian trails; especially was this the case west of the Missouri river. There were regular trails from village to village, to well-known crossings of streams, up the valleys of great streams, over the lowest and most practicable divides, passing through the country where water could be obtained, and in the mountains the Indian trails were always well-defined through all the practicable passes. I traveled a great deal with the Indians myself at one time, and when they started for any given point they always took a well-established trail, unless they divided off for hunting, fishing, or something of that kind; and in my own reconnaissances in the West, and in my engineering parties, when we found Indian trails that led in the right direction for our surveys, we always followed them up and examined them, and always found that they took us to the best fords of streams, to the most practical crossings of divides, to the lowest passes in the mountains; and they were of great benefit to us, especially where we had no maps of the country, because we could lay them down and work from them as well-defined features of the country."

Mr. Richardson also quotes the observation of Parkman, the historian, Rufus Sage, and John C. Frémont as to the existence of distinct Pawnee trails on the Nebraska plains. The notations of the first surveyors of Nebraska show fragmentary Indian trails and roads of pioneer white men, because some of them marked their routes with regularity.

[1] The *Conservative*, August 8, 1901, J. Sterling Morton, editor.

[2] September 5, 1901.

while others did not. It will require the laborious work of special students to trace these Indian routes of travel, which undoubtedly existed well-defined and of various lengths, from the local trails radiating from the more or less permanent villages to those of an extent of several hundred miles, such as the well-known Pawnee routes from the habitat of that tribe along and north of the Platte valley to the hunting grounds of the Republican river country and even to the rivers farther south. When Major Long arrived at the Pawnee villages on the Loup river he noted that the trace on which he had traveled from the Missouri had the appearance of being more frequented as he approached the Pawnee towns, and here, instead of a single pathway, it consisted of more than twenty parallel paths, of similar size and appearance.[1] Again he observes that the path leading to the Pawnee villages runs in a direction a little south of west from the Cantonment (Long's winter quarters), and leads across a tract of high and barren prairie for the first ten miles. At this distance it crosses the Papillion, or Butterfly creek.[2]

Charles Augustus Murray, in his account of his residence with the Pawnee Indians in 1835, describes the Indian mode of travel in masses:

"They move in three parallel bodies; the left wing consisting of part of the Grand Pawnees and the Tapages; the center of the remaining Grand Pawnees; and the right of the Republicans. . . All these bodies move in 'Indian file,' though of course, in the mingled mass of men, women, children, and pack-horses, it was not very regularly observed; nevertheless, on arriving at the halting-place, the party to which I belonged invariably camped at the eastern extremity of the village, the great chief in the center and the Republicans (Tapages) on the western side; and this arrangement was kept so well that after I had been a few days with them I could generally find our lodge in a new encampment with very little trouble, although the village consisted of about 600 of them, all nearly similar in appearance."[3]

Murray recounts a remarkable feat of traveling by an individual Indian. His party started from Ft. Leavenworth to the Pawnee villages with a party of Pawnees who had gone on ahead:

"A runner had been sent forward to request the chiefs to make a short halt in order to give our party time to come up. This Indian had walked at the head of the party as guide during the whole day's journey, which occupied nearly 24 hours. When we halted, Sa-ni-tsa-rish went up to him and spoke a few words, upon which, without rest or food, he tightened the belt around his middle and set off at a run, which he must have maintained upwards of 20 miles. He had to traverse the same ground coming back, and thus he must have gone over 100 miles of ground without food or rest in 24 hours. . . . We found the Indian regulations for traveling very fatiguing, namely, starting at four A.M., with nothing to eat, and traveling till one, when we halted for breakfast and dinner at one time . . . and on the 20th (July, 1835) we traveled from half past three in the morning till half past eight in the evening. . . . A war party leaves only the trail of the horses, or, of course, if it be a foot party, the still lighter tracks of their own feet; but when they are on their summer hunt or migrating from one region to another, they take their squaws and children with them, and this trail can always be distinguished from the former by two parallel tracks about three and a half feet apart not unlike those of a light pair of wheels; these are made by the points of the long curved poles on which their lodges are stretched, the thickest or butt ends of which are fastened to each side of the pack-saddle, while the points trail behind the horse; in crossing rough or boggy places this is often found the most inconvenient part of an Indian camp equipage."[4]

Mr. Murray makes an interesting observation as to the quantity of game on the prairies of northeastern Kansas over which he was traveling:

"No game had been seen or killed [since starting from Ft. Leavenworth], and every hour's experience tended to convince me of the exaggerated statements with which many western travelers have misled the civilized world in regard to the game of these prairies.

[1] Long's First Expedition, vol. 1, p. 435.
[2] Ibid., p. 427.
[3] Travels in North America, vol. 1, pp. 282-83.
[4] Ibid., vol. 1, pp. 273-74; vol. 2, p. 32.

I had now been traveling five days through them, and with the exception of a few grouse and the fawn I shot, had not seen anything eatable, either bird or quadruped."[1]

Whether or not the famous Santa Fé trail was established or used by Indians in the general sense indicated by the name, before it was surveyed under authority of the federal government, not long after 1820, is a mooted question. The first wagon train over this trail started from Westport, Missouri, its initial point, in 1828. This road was established for communication between the Missouri river and the settlements of New Mexico.

The Oregon trail was the most notable route of its kind in the country. It may be called fairly a social institution, for like other social institutions it was not made but grew, and its growth was simply the result of human movement along lines of least resistance. By 1843 it had become a well-defined route for trade and other traffic between a great base, St. Louis, and a great objective point, the mouth of the Columbia river. The general line of this trail had been used by the Indians, though in a piece-meal fashion, from time immemorial. It was left to the true emigrants and travelers, the whites, to develop it into a continuous route. While St. Louis was the real southern terminus of the route, the overland trail began at Franklin, Missouri, two hundred and five miles above the mouth of the Missouri river. In the course of ten years Independence, situated near the mouth of the Kansas, had superseded Franklin as the initial point of the land route, and in a few years the river had carried away the Independence landing, so that Westport, now within the boundary of Kansas City, became the starting point. It is true that the first traffic by way of Franklin and Independence, which began about 1820, was with Santa Fé, and it is not possible to say when travel over the eastern end of the Oregon trail began. In July, 1819, Long's party noted that Franklin, "at present increasing more rapidly than any other town on the Missouri, had been commenced but two years and a half before the time of our journey." This indicates a considerable trade with Santa Fé and Missouri posts, and also its recent growth. Long's journalist uttered a prophecy as to the fate of Franklin which was to be verified in a very realistic manner, for the town was swept away not many years after. The chronicler said: "The bed of the river near the shore has been heretofore obstructed by sandbars which prevented large boats from approaching the town; whether this evil will increase or diminish it is not possible to determine, such is the want of stability in everything belonging to the channel of the Missouri. It is even doubtful whether the site of Franklin will not at some future day be occupied by the river which at this time seems to be encroaching on its banks."

Hunt's[2] Astorian expedition (1811), as we have seen, did not follow the eastern line of the trail, but ascended the Missouri river to the Arikara villages. But it did follow the trail from the junction of Port Neuf river with the Snake. There appears to be no authentic account of the passage of this route by white men before Hunt, and to his party belongs the credit of having discovered and established it. Certain writers incline to belittle Hunt's ability and achievement, but he should have the credit of reaching the Columbia from the point where he struck the Wind River or Bighorn mountains, near the present Jackson's Hole, by original investigation and experimental exploration of a very difficult

[1] Travels in North America, vol. 1, p. 266.

[2] Wilson Price Hunt, leader of the overland Astorian expedition, and next in importance to Mr. Astor in the Pacific Fur Company, was born about 1782, in Asbury, New Jersey, and went to St. Louis in 1804, where he conducted a general store for about five years. In 1810 he became a member of the Pacific Fur Company, and early in 1811 he started with a party of seventy men to ascend the Missouri river, cross the Rocky mountains, and reach the Pacific ocean, there to meet a ship which had been dispatched from New York by Mr. Astor. This mission was successful, and Mr. Hunt remained in the West several years, returning to St. Louis in 1813. After the dissolution of the Pacific Fur Company, Mr. Hunt again engaged in business in St. Louis. He purchased several thousand acres of land eight miles southwest of the city, on which he made extensive improvements. In September, 1822, he was appointed postmaster of St. Louis, and held the office about eighteen years. He married Anne Lucas Hunt, the widow of his cousin, Theodore Hunt, and died without children, in April, 1842. His widow died April 12, 1879, aged eighty-two years.

character. There was absolutely no pathway to the Columbia river, and the Indians at the head-waters of the Snake river were ignorant of any way to reach it. On their return Stuart and Crooks followed the general course of the Oregon trail to Grand island, Nebraska, with the exception of a detour in southeastern Idaho. Bonneville certainly, and Wyeth[1] probably, passed over the cut-off from Independence to Grand island in 1832, and, as far as is known, Bonneville's was the first wagon train over this end of the trail. These appear to be the first authenticated journeys by the cut-off. A fairly accurate itinerary of the trail has been made from notes of Frémont and other travelers as follows: From Independence for the distance of 41 miles it is identical with the Santa Fé trail; to the Kansas river, 81 miles; to the Big Blue river, 174 miles; to the Little Blue, 242 miles; head of the Little Blue, 296 miles; Platte river, 316 miles; lower ford of South Platte river, 433 miles; upper ford of South Platte, 493 miles; Chimney Rock, 571 miles; Scotts Bluff, 616 miles. Adding the distance from the northwest boundary of Nebraska to Fort Vancouver, the terminus, yields a total of 2,020 miles. The trail crossed the present Nebraska line at or very near the point of the intersection of the 97th meridian and about four miles west of the southeast corner of Jefferson county. It left the Little Blue at a bend beyond this point, but reached it again just beyond Hebron. It left the stream finally at a point near Leroy, and reached the Platte river about twenty miles below the western or upper end of Grand island. Proceeding along the south bank of the Platte, it crossed the south fork about sixty miles from the junction, and touched the north fork at Ash creek, twenty miles beyond the south fork crossing.

In 1820 Major S. H. Long[2] crossed the Platte from the north side. There was evidently no fixed or well-known ford at that time, for this noted explorer informs us that he was led to the fording place of the north fork through animal instinct:

"We had halted here, (at the confluence of the forks) and were making preparations to examine the north fork with a view of crossing it, when we saw two elk plunge into the river a little above us on the same side. Perceiving it was their design to cross the river we watched them until they arrived on the other side which they did without swimming. We accordingly chose the same place they had taken, and putting a part of our baggage in a skin canoe, waded across, leading our horses, and arrived safely on the other side."

Major Long crossed the neck between the two forks diagonally and forded the south

[1] Nathaniel Jarvis Wyeth, son of Jacob and Elizabeth (Jarvis) Wyeth, was born in Cambridge, Massachusetts, January 29, 1802. Previous to, and following his western expedition, from which he returned in 1836, he was engaged in cutting, storing, and exporting ice. He invented most of the appliances which have since been in common use in the ice business. He died at the place of his birth, August 31, 1856.

[2] Major Stephen Harriman Long, noted explorer and U. S. army officer and engineer, was born in Hopkinton, New Hampshire, December 30, 1784. He graduated from Dartmouth College in 1809, and in 1814 was appointed second lieutenant of engineers. The following spring he became assistant professor of mathematics in the military academy, and in 1816 he was commissioned topographical engineer to explore the Illinois and Arkansas rivers in flatboats and canoes. This led to his subsequent western explorations, and early in April, 1819, he left Pittsburg in command of the scientific expedition to the Rocky mountains, under orders of the secretary of war. After completing arrangements for the trip in St. Louis, the expedition left that place June 21, and proceeding up the Missouri river arrived at Ft. Lisa, Nebraska, September 19. According to Major Long's journal, "the position selected for the establishment of winter quarters for the exploring party was on the west bank of the Missouri, about half a mile above Ft. Lisa, five miles below Council Bluff, and three miles above the mouth of Boyer's river." They named this camp Engineer Cantonment, and the party remained there during the winter, Major Long returning to Washington. In the spring of 1820 he rejoined his command, journeying overland from St. Louis to Council Bluff. June 6, 1820, the expedition broke camp at Engineer Cantonment, proceeded westward, and following the course of the Platte river came within sight of the Rocky mountains, June 30, 1820, and arrived at the foot of the mountains in the vicinity of Pike's Peak July 10. After a rest of three days, three of the party began the ascent of the mountain described by Pike as "the highest peak," and now known as Pike's Peak. The ascent was successful, and the height of the peak was ascertained to be 11,500 feet (now known to be 14,147 feet). Major Long's explorations in the West extended over a period of five years and embraced the country between the Mississippi river and the Rocky mountains. After his return to the East he had charge of the surveys of the Baltimore & Ohio railroad and introduced great improvements in the construction of bridges. He served on a committee for the improvement of the lower Mississippi; was placed in entire charge of that work in 1856, and up to the time of the Civil war the work of deepening the mouth of this river was under his supervision. Colonel Long retired from active service in June, 1863, but continued to be charged with important public duties until his death, which occurred September 4, 1864.

fork at or near the place of the subsequent lower ford.[1]

Travel by emigrants across the plains by the great trail to California and Oregon, chiefly to the latter, set in appreciably in 1844.

Francis Parkman, who left St. Louis in the spring of 1846, on a tour of curiosity and amusement to the Rocky mountains, found "the old legitimate trail of the Oregon emigrants" at the junction of the St. Joseph trail, and in that year both Parkman and Bryant found a heavy travel of emigrants to Oregon and California over the trail. The latter reports that his party met five men between the lower and upper ford of the Platte, going eastward, who had counted 470 west-bound emigrant wagons in coming from Ft. Laramie; and they were "about equally divided between California and Oregon."[2]

Before the high tide of traffic to the California gold fields set in, in 1849, there were two principal places where the large general travel to Oregon and California crossed the Platte, known as the lower ford and the upper ford. Irving, in his Adventures of Captain Bonneville, pays more attention to literary form than to exact narrative and statement of facts, much to the present historian's regret. We learn from him only that Bonneville traveled two days from the junction to his crossing of the south fork, and nine miles from that crossing to the north fork. No mention is made of a lower ford, and his crossing-place was probably some distance east of the later common upper ford. We are told that when he arrived at the forks, "finding it impossible from quicksands and other dangerous impediments to cross the river in this neighborhood, he kept up along the south fork for two days merely seeking a safe fording place."[3]

Frémont on his outward trip, in 1842, made this record: "I halted about forty miles from the junction. . . . Our encampment was within a few miles of the place where the road crossed to the north fork."

Joel Palmer of Indiana, who started with a party from Independence, Missouri, May 6, 1845, returning in 1846, makes the following explicit statement:

"The lower crossing of the Platte river is five or six miles above the forks and where the high ground commences between the two streams. . . . There is a trail which turns over the bluff to the left; we, however, took the right and crossed the river. The south fork is at this place about ¼ mile wide and from one to three feet deep, with a sandy bottom, which made the fording so heavy that we were compelled to double teams."[4]

Nineteen miles from the forks, "the road between the two forks strikes across the ridge toward the north fork. Directly across, the distance does not exceed four miles; but the road runs obliquely and reaches the north fork nine miles from our last camp"—the place of leaving the south fork. "At Ash Hollow the trail which follows the east side of the south fork of the Platte from where we crossed it connects with this trail." Palmer's itinerary has this record: "From lower to upper crossing of south fork, forty-five miles."

Edwin Bryant, who traveled by the Oregon trail from Independence to the Pacific Coast in 1846, crossed the south fork thirty-five miles west of the junction, according to his measurement, but he states that "the distance from the south to the north fork of the Platte by the emigrant trail is about twenty-two miles, without water,"[5] which would place the upper ford approximately where Palmer and Stansbury found it.

Howard Stansbury, a captain of U. S. topographical engineers, was ordered, April 11, 1849, to lead an expedition to Great Salt Lake for the purpose of surveying the lake and exploring the valley. His description and measurements of the route are made with a clearness and precision characteristic of the trained engineer. He started from Ft. Leavenworth on the 31st of May. He notes that a "Boston company's train," which traveled in advance of his party, crossed the South

[1] Long's First Expedition, vol. 1, p. 463.
[2] What I Saw in California, p. 94.
[3] Bonneville's Adventures, p. 53.
[4] Journal of Travel Over the Rocky Mountains to the Mouth of the Columbia River, p. 22.
[5] What I Saw in California, p. 97.

Platte twenty miles above the forks; but he "preferred to follow still further the main road," crossing sixty-six miles above the lower ford, or seventy-two miles above the forks. He says specifically: "This is the upper ford and easily crossed in low stages of the river, width, 700 yards."[1] By his measurement it was eighteen and a half miles from the crossing to the north fork at Ash Hollow. On his return trip in October, 1850, he notes that at Ash Hollow "the road leaves for the south fork, and the ridge is crossed by several tracks; one leads to the junction of the two forks, ours to the upper crossing of the south fork."[2] He finds the distance the same as in the outgoing trip, so that this part of the trail seems to have been well-defined and permanent at that time.

William Kelly, an English traveler, who passed up the trail in 1849, crossed the Platte at the upper ford. He describes the route between the two forks of the river as follows:

"About half way between the forks we got upon the summit of the hills that divide, where driving became rather a nerve-testing operation; the only practicable path being along a ridge with a declivity amounting to a precipice on each side, and so narrow that it did not admit of a man's walking alongside to lay hold of the leaders in case of need; but this very circumstance, I believe, contributed to our safety, as the sagacity of the mule convinced him that there was no alternative but to go on cautiously. Not a voice was heard for a couple of miles, every mind being occupied with a sensation of impending danger, for in some places the trail was so edge-like that even some of the horsemen alit, under the influence of giddiness."[3]

The descent into Ash Hollow was precipitous. In undertaking it all but the wheel-span of mules were taken off, the wheels were locked, and the men undertook to steady the progress of the wagon by holding it back with a rope. The rope broke, and the wagon slid or fell upon the mules, killing one and injuring the other.

Stansbury found the distance from Ft. Leavenworth to the meeting of the St. Joseph and Independence road about forty-six miles. He seems to have left the Little Blue at the usual point, near the present Leroy, Adams county, where the trail cut across to Thirty-two Mile creek, seven and a half miles; thence to the Platte river, twelve miles; and to Ft. Kearney, seventeen miles. He tells us that he struck the Platte in a broad valley and that, "this road has since (June 18, 1849) been abandoned for one on the left, more direct to Ft. Kearney."[4]

Joel Palmer in his itinerary gives the following distances on the Oregon trail:

"The distance from St. Joseph, Missouri, to the Independence trail, striking it ten miles west of Blue river, is about 100 miles; from the forks of these roads to the Big Sandy, striking it near its junction with the Republican river, 42 miles; from the Big Sandy to the Republican fork of Blue river,[5] 18 miles; up the Republican river, 53 miles; from the Republican to the Platte, 20 miles; up the Platte to the crossing of the south fork, 120 miles; from the lower to the upper crossing of the south fork, 45 miles."

Mr. Palmer here observes that there is a road on each side of the river and but little choice in them. From the south to the north fork at Ash Hollow, 20 miles; thence to a point opposite Solitary Tower, on Little creek, 42 miles; thence to a point opposite Chimney Rock, 16 miles; thence to a point where the road crosses the river, 15 miles; thence to Scotts Bluff, 10 miles; thence to Horse creek, 12 miles; thence to Ft. Laramie, 24 miles.

Palmer followed the Little Blue, which he evidently miscalled the Republican fork of the Blue, and then went over to the Big Platte, the usual twenty miles, and thence to the crossing of the south fork, one hundred and twenty miles.

While all of these travelers followed substantially the same route through Nebraska, yet, either through their own carelessness or

[1] Stansbury's Expedition, p. 272.
[2] Ibid., p. 289.
[3] Across the Rocky Mountains, p. 106.
[4] Stansbury's Expedition, p. 272.
[5] The Republican river is not a fork of the Blue but of the Kansas; moreover, he mistook the Little Blue for the Republican.

because the names of the streams, in the earlier part of the course especially, were not certain or fixed, they greatly confused them. The schedule distance between the Vermilion and the Big Blue was about fourteen miles, and yet Kelly traveled several days and crossed two other streams, each of which he felt certain was the important one in question, before he came to the fine river which he definitely decided was worthy of the name of Big Blue. The length of the route up the Little Blue valley for all was about seventy miles, though it left the stream where important bends or easier going required. If Bryant is accurate in his statement, he traveled twenty-seven miles from the Little Blue to the Platte river, which he reached about twelve miles below the head of Grand island. Palmer, Kelly, and Stansbury reached the Platte only a few miles below the head of the island; but Captain Bonneville reached it twenty-five miles below.

The old California crossing, which was substantially identical with the "upper ford," was twenty-seven miles east of the upper California crossing at Old Julesburg, opposite the mouth of Lodge Pole creek. In the year 1859 a Frenchman from St. Louis, called Beauvais, established a trading post at the old California crossing, which on that account came to be called Beauvais' ranch. There was very little travel by the upper California route until the daily mail was established in 1861, and which crossed at old Julesburg. After crossing the Platte, this route followed Lodge Pole creek as far as Thirty-mile Ridge which ran toward the north fork. It continued along this ridge by way of Mud Springs, reaching the North Platte near Court House Rock. The earlier and great crossing was on the main Oregon trail, and was commonly known as the Ash Hollow route. The Mormon trail, which was established by the Mormon exodus, followed the north side of the Platte all the way from Florence to the crossing beyond Ft. Laramie.[1]

At least before Ft. Kearney was established, Ash Hollow was the most important and interesting point on the trail, this side of Ft. Laramie, after it struck the Platte river. Owing to Irving's vagueness we can not be sure that he was describing that delectable place in recording Captain Bonneville's progress: "They reached a small but beautiful grove from which issued the confused notes of singing birds, the first they had heard since crossing the boundary of Missouri;" but circumstances almost warrant that conclusion.[2] Palmer relates that "the road then turns down Ash Hollow to the river; a quarter of a mile from the latter is a fine spring, and around it wood and grass in abundance."

Stansbury, seeing with the scientific eye and writing with the trained hand, has left us an

[1] Mr. William Peniston—now (1904) living at North Platte—who was a stage driver on Hockaday's line in 1858–59, says that Ogallala, about twenty miles east of the lower California crossing, was then the main crossing place for freight wagons and that the mails also crossed there for a while, "going down Ash Hollow hills toward the mouth (of Ash Hollow) where they always found water. Then they followed up the south side of the North Platte. Leaving Court House Rock clear to the south and west they then followed up the Platte to Chimney Rock, then straight west to Scotts Bluff." Mr. Peniston says there was no need to cross the North Platte to get to Laramie, because it could be reached by crossing the Laramie fork. Only the Mormons crossed the Platte. "The crossing of the Platte river could be made as well in one place as another. When the quicksands were bad they would take the cattle from the trains and drive them back and forward, loose, and if we came along when they had crossed, we would take advantage of that, as it drove all the quicksand away. We did not have much trouble crossing any of the rivers, except the Platte where there was lots of quicksand. The most trouble to freight trains was going up and down the big and little mountains, which they could have avoided by going forty miles around." Mr. Peniston's testimony indicates the indefiniteness of the upper crossing and variation between the localities of the present Ogallala and Big Spring, a distance of about twenty miles: "I think it was in the fall of 1859 they started the Big Spring crossing, for the reason that the Ash Hollow hill was so steep that a team could not haul an empty wagon up. At the Big Spring you could get down to the Platte by going around and around the hill. I think it was in the year 1873 the last time the Indians were allowed to hunt down here. I was trader for them, and when we started for the Platte from the Republican I wanted them to come down to the Ogallala crossing, but they insisted on coming to the Big Spring crossing. They said they could not haul their lodges by the Ogallala crossing. It was about ten miles from Ogallala to the North Platte river. We used to cross the South Platte anywhere so as to avoid Ash Hollow hill. As we only carried the mail for Kearney, Laramie, and Salt Lake, we could go almost anywhere. The contract did not even call for us to leave the mail at Bridger, but we did out of accommodation, I guess more on our side than the fort."

[2] Bonneville's Adventures, p. 54.

invaluable description of the crossing between the two forks and of Ash Hollow itself:

"Today we crossed the ridge between the North and South forks of the Platte, a distance of eighteen and a half miles. As we expected to find no water for the whole of this distance, the India-rubber bags were filled with a small supply. The road struck directly up the bluff, rising quite rapidly at first, then very gradually for twelve miles, when we reached the summit, and a most magnificent view saluted the eye. Before and below us was the North Fork of the Nebraska, winding its way through broken hills and green meadows; behind us the undulating prairie rising gently from the South Fork, over which we had just passed; on our right, the gradual convergence of the two valleys was distinctly perceptible; while immediately at our feet were the heads of Ash Creek, which fell off suddenly into deep precipitous chasms on either side, leaving only a high narrow ridge or back bone, which gradually descended, until, toward its western termination, it fell off precipitately into the bottom of the creek. Here we were obliged, from the steepness of the road, to let the wagons down by ropes, but the labor of a dozen men for a few days would make the descent easy and safe. The bottom of Ash Creek is tolerably well wooded, principally with ash and some dwarf cedars. The bed of the stream was entirely dry, but toward the mouth several springs of delightfully cold and refreshing water were found, altogether the best that has been met with since leaving the Missouri. We encamped at the mouth of the valley, here called Ash Hollow. The traces of the great tide of emigration that had preceded us were plainly visible in remains of camp-fires, in blazed trees covered with innumerable names carved and written on them; but, more than all, in the total absence of all herbage. . . . On the slope towards the South Fork the valleys are wide and long, with gracefully curved lines, gentle slopes, and broad hollows. . . . Almost immediately after crossing the point of 'divide,' we strike upon the headwaters of Ash Creek, whence the descent is abrupt and precipitous. Immediately at your feet is the principal ravine, with sides four or five hundred feet in depth, clothed with cedar. Into this numerous other ravines run, meeting it at different angles, and so completely cutting up the earth, that scarcely a foot of level ground could be seen. The whole surface consisted of merely narrow ridges dividing the ravines from each other, and running up to so sharp a crest that it would be difficult for anything but a mountain-goat to traverse their summits with impunity. Never before had I seen the wonderful effects of the action of water on a grand scale more strikingly exemplified."[1]

In his return itinerary this traveler observes that, "Ash Hollow has abundance of ash and poplar wood, a small stream in the bottom;" there were "cedars in the hills for camping purposes."[2]

Kelly, who wrote with more literary spirit than any of the others of these travelers, was yet possessed of a degree of English surliness which, however, the charms of the Hollow overcame entirely for the nonce, and he dropped deep into poetry:

"Two more moderate descents brought us into a lovely wooded dell, so watered and sheltered that vegetation of every description appeared as if stimulated by a hot house compared with that on the open prairie. The modest wild rose, forgetting its coyness in the leafy arbours, opened out its velvet bosom, adding its fragrant bouquet to that of the various scented flowers and shrubs that formed the underwood of the majestic ash-trees, which confer a name upon the spot, producing a perfectly aromatic atmosphere. Cool streams, filtered through the adjoining hills, prattled about, until they merged their murmurs in a translucent pond, reposing in the center of a verdant meadow, a perfect parterre, the bespangled carpet of which looked the congenial area for the games and gambols for the light-tripping beings of fairy-land."[3]

But three years before Bryant saw only these prosy commonplaces: "We descended into the valley of the North fork of the Platte, through a pass known as 'Ash Hollow.' This name is derived from a few scattering ash-trees in the dry ravine, through which we wind our way to the river bottom. There is but one steep or difficult place for wagons in the pass. I saw wild currants and gooseberries near the mouth of Ash Hollow. There is here also a spring of pure cold water." Bryant found a small log cabin, near the

[1] Stansbury's Expedition to the Great Salt Lake pp. 40–41.

[2] Stansbury's Expedition, p. 289.

[3] Across the Rocky Mountains, p. 107.

mouth of the Hollow, which had been erected during the last winter by some trappers on their way to the East. This cabin had been turned by the emigrants into a sort of voluntary general post-office. Many advertisements in manuscript were posted on the walls outside. These included descriptions of lost horses, cattle, etc.; and inside, in a recess, there were a large number of letters addressed to persons in every part of the world, with requests that those who passed would convey them to the nearest post-office in the states. "The place had something of an air of a cross roads settlement, and we lingered around it some time, reading the advertisements and looking over the letters."[1]

The reader will be inclined to credit Bryant's description with orthodoxy in the knowledge that the susceptible Englishman was also thrown into a fit of esthetic hysteria at the sight of a party of Sioux squaws whom he had seen a few days before:

"The women were extremely beautiful, with finely-chiselled features, dark lustrous eyes, raven locks and pearly teeth, which they disclosed in gracious smiles that lit up their lovely faces with a most bewitching radiance. They wore no head dress; their luxuriant tresses, divided with the most scrupulous accuracy flowing in unconfined freedom over their shoulders. Their attire consisted of a tanned buckskin bodice, not over tight, . . . to which was appended a short full skirt of the same material which did not reach the knees. The legs were concealed by close leathern hose which revealed the most exquisite symmetry, embroidered on the sides with beads, meeting above the taper ankles a laced moccasin, worked up the instep in the same manner; and over all was thrown with a most graceful negligence, a blanket of snowy whiteness, so arranged as to form a hood in an instant. They also wore large ear drops and had the fingers up to the joints covered with rings. . . . There was one dear girl amongst the group that I was fairly smitten with, to whom I presented a small looking-glass, taking leave to kiss the tips of her delicate fingers as she graciously accepted it, at which she smiled, as if understanding this silent but expressive mode of admiration; and taking off a ring, caught hold of my hand to put it on; an operation I playfully protracted by cramping my fingers, that I might prolong the pleasure of contact with so charming a creature."[2]

The next notable landmark on the trail was Court House Rock, which Stansbury describes as "two bald elevations—to which the voyageurs, most of whom are originally from St. Louis, had given this name, from a fancied resemblance to a well known structure in their own city." It was some distance south of the road and the river.[3]

When Samuel Parker, the missionary, passed Court House Rock in 1835, traveling on the opposite, or north side of the river, it was evidently without a name that was at all familiar, for he spoke of it as "a great natural curiosity, which, for the sake of a name, I shall call the old castle." Its situation was on a plain some miles distant from any elevated land, and by his estimate covered more than an acre of ground and was more than fifty feet high. It is tolerably certain from his description that this curiosity was what Bryant, in 1846, knew and described as Court House Rock. This traveler went a distance, which he estimated at seven miles from the trail, toward the rock without reaching it, and it appeared to him to be from three hundred to five hundred feet in height and about a mile in circumference.[4]

Parker describes the remarkable formations in this neighborhood in general:

"We passed many uncommonly interesting bluffs composed of indurated clay; many of them very high, with perpendicular sides, and of almost every imaginable form. Some appeared like strong fortifications with high citadels, some like stately edifices with lofty towers. I had never before seen anything like them of clay formation. And what adds to their beauty is that the clay of which they are composed is nearly white. Such is the smoothness and whiteness of the perpendicular sides and offsets; and such the regularity of their straight and curved lines, that one can hardly believe that they are not the work of art."[5]

[1] What I Saw in California, pp. 97–98.
[2] Across the Rocky Mountains, pp. 97–98.
[3] Stansbury's Expedition, p. 48.
[4] What I Saw in California, p. 100.
[5] Journal of an Exploring Tour, p. 63.

At the time of Palmer's trip in 1845, however, the rock was called Solitary Tower, and that traveler tells us that it was "a stupendous pile of sand and clay, so cemented as to resemble stone but which crumbles away at the slightest touch." According to this author it was situated about seven miles from the river, and was six hundred to eight hundred feet above the level of the stream. A stream of water ran along the northeast side some twenty rods from the rock.

Kelly, we may surmise, was still too much possessed with the charms of the Sioux squaws to have any eye for this inanimate object; and he dismisses the tradition that the rock was named "from its supposed resemblance to a large public building of that description," with the remark that "there was nothing about it of that striking character to seduce me from my path so far aside to visit it." Its location, according to this traveler, was six miles from the river.[1]

COURT HOUSE ROCK AND JAIL, SHOWING GULLIES LEADING TO BASE
Engraving from photograph by John Wright, Staff Artist

Captain Bonneville describes the next wonder of this mountain region of Nebraska thus: "It is called the Chimney. The lower part is a conical mound, rising out of the naked plain; from the summit shoots up a shaft or column, about 120 feet in height, from which it derives its name. . . . It is a compound of indurated clay, with alternate layers of red and white sandstone, and may be seen at a distance of upwards of 30 miles." According to this authority the total height of this formation was then one hundred and seventy-five yards.[2] Frémont records that, "It consists of marl and earthy limestone and the weather is rapidly diminishing its height, which is now not more than 200 feet above the river. Travelers who visited it some years since placed its height at upwards of five hundred feet."[3] It looked to him from a distance of about thirty miles like the long chimney of a steam factory establishment or a shot tower in Baltimore.

Palmer describes it as "a sharp-pointed rock of much the same material of the solitary tower standing at the base of the bluff and four or five miles from the road." As Stansbury saw it, this Nebraska wonder "consists of a conical elevation of about 100 feet high, its sides forming an angle of about 45 degrees with the horizon; from the apex rises a nearly circular and perpendicular shaft of clay, now from thirty-five to forty feet in height."[4]

[1] Across the Rocky Mountains, pp. 108-9.
[2] Bonneville's Adventures, p. 55.
[3] First and Second Expeditions, p. 38.
[4] Stansbury's Expedition, p. 51.

CHIMNEY ROCK
Engraving from photograph by John Wright, Staff Artist

In November, 1904, members of the editorial staff of this History made an examination of the picturesque part of the Oregon trail in Nebraska—between Ash Hollow and Scotts Bluff—and took the photograph here reproduced. Chimney Rock, a landmark easily seen 30 miles distant, is 3½ miles south of Bayard. The area of its dome-like base is upwards of 40 acres. Drawings by the early travelers, including Frémont, represent the Chimney as *cylindrical.* It is in fact rectangular, like the chimney of a modern house. Court House Rock—engraving on opposite page—is about 5 miles south of Bridgeport. Pumpkin Seed creek, a clear and rapidly flowing stream about 8 yards wide, runs close to the southern and western base, which rises abruptly from the level valley, then doubles back about 60 yards, thus enclosing a section of an ellipse. The Jail, so called from its association with the Court House, is about 40 yards east of the latter, and its eastern front is a remarkably symmetrical circular tower. Labyrinthine water courses have been cut through the base of these rocks which cover upwards of 80 acres. Toward the creek they are from 20 to 30 feet in depth, and the rushing waters have smoothed their walls almost to a polish. These remarkable elevations were formed by the action of water cutting away the less durable contiguous rock. The material of which they are composed is somewhat harder and lighter in color than the clay-banks along the Missouri river. Letters cut in them fifty years ago remain unimpaired, and it does not appear that they have been much diminished in height during that time. Buffalo grass grows up to the beginning of the steep sides.

This author remarks here that young pines were taking the place of red cedars, the latter dying off. This is in accordance with the present tendency of the pine growth to extend from that part of the state eastward, as observed by our botanists. Parker observes that, "It has been called the Chimney; but I should say it ought to be called Beacon Hill, from its resemblance to what was Beacon Hill in Boston." He found the base of the rock three miles from the river. "This Beacon Hill has a conical formed base of about half a mile in circumference, and one hundred and fifty feet in height and above this is a perpendicular column, twelve feet square, and eighty feet high; making the whole height about two hundred and thirty feet. We left our horses at the base, and ascended to the perpendicular. It is formed of indurated clay or marl, and in some parts is petrified. It is of a light chocolate or rufous colour, in some parts white. Near the top were some handsome stalactites, at which my assistant shot, and broke off some pieces of which I have taken a small specimen."[1]

Kelly is a sceptic in his view of Chimney Rock also:

"To my eye, there is not a single lineament in its outline to warrant the christening. The Wellington testimonial in the Phoenix Park, elevated on a Danish fort, would give a much more correct idea of its configuration, though not of its proportions. It is, I should say, 500 feet high, composed of soft red sandstone, standing out from the adjoining cliffs, not so much the result of a violent spasm of nature, as if from the wearing and wasting effects of the watery storms that prevail in those forlorn regions. It appears to be fast chipping and crumbling away, and I have no doubt that, ere half a century elapses, *Troja fuit* will apply to the Chimney Rock."[2]

Bryant places Chimney Rock three miles from the Platte river, and says that it is several hundred feet in height from base to apex and can be seen in a clear atmosphere at a distance of forty miles. "The column which represents the chimney will soon crumble away and disappear entirely. The scenery to the right of the rock as we face it from the river is singularly picturesque and interesting. There are four high elevations of architectural configuration, one of which would represent a distant view of the ruins of the Athenian Acropolis; another, the crumbling remains of an Egyptian temple; a third, a Mexican pyramid; the fourth, the mausoleum of one of the Titans. In the background the bluffs are worn into such figures as to represent ranges of castles and palaces."[3]

Captain Bonneville observed that Scotts Bluff was composed of indurated clay, with alternate layers of red and white sandstone, and might be seen at a distance of upwards of thirty miles; and Irving calls attention to "the high and beetling cliffs of indurated clay and sandstone bearing the semblance of towers, castles, churches and fortified cities."

Palmer found a good spring and abundance of wood and grass at Scotts Bluff. Parker describes these bluffs as "the termination of a high range of land running from south to north. They are very near the river, high and abrupt, and what is worthy of notice, there is a pass through the range a short distance back from the river, the width of a common road with perpendicular sides two or three hundred feet high. It appears as though a part of the bluffs had been cut off, and moved a few rods to the north."[4]

Kelly relates that his party cried out, "Mount Ararat; Mount Ararat, at last!" at first sight of the bluff. "As we got on the elevated ground we could see that the bluffs took a curve like the tail of a shepherd's crook; a prominent eminence forming the curl at the end. This is called Scotts Bluff, from the body of an enterprising trapper of that name being found upon it."[5]

Stansbury records that "these bluffs are about five miles south of the river. The road up the bluffs steep, but on good, hard, gravelly ground. A small spring at the top of the first hill."[6]

[1] Journal of an Exploring Tour, pp. 64-65.
[2] Across the Rocky Mountains, p. 110.
[3] What I Saw in California, pp. 101-2.
[4] Journal of an Exploring Tour, p. 66.
[5] Across the Rocky Mountains, p. 112.
[6] Stansbury's Expedition, p. 272.

One Robidoux[1] had a trading post and blacksmith's shop there; and when the smith was not inclined to work he rented the shop at seventy-five cents an hour to emigrants who might do their own work. He pointed out to Stansbury a good wagon which he had bought from discouraged emigrants for seventy-five cents. He kept a considerable stock-in-trade of this sort, which he had acquired through the misfortunes and discouragements of travelers.[2]

In his return itinerary Stansbury records that he found on Scotts Bluff a small rivulet, a row of old deserted houses, a spring at the foot of Sandstone Bluffs, where the road crosses the ridge, cedars on the bluffs and good grass on the plains.[3]

Bryant describes this remarkable formation as follows:

"The bluff is a large and isolated pile of sand-cliffs and soft sandstone. It exhibits all the architectural shapes of arch, pillar, dome, spire, minaret, temple, gothic castle and modern fortification. These, of course, are upon a scale far surpassing the constructing efforts of human strength and energy. The tower of Babel, if its builders had been permitted to proceed in their ambitious undertaking, would be but a feeble imitation of these stupendous structures of nature. While surveying this scenery, which is continuous for twenty or thirty miles, the traveler involuntarily imagines himself in the midst of the desolate and deserted ruins of vast cities, to which Nineveh, Thebes and Babylon were pigmies in grandeur and magnificence. The trail leaves the river as we approach 'Scott's Bluff' and runs over a smooth valley in the rear of the bluff seven or eight miles. From this level plain we ascended some distance, and found a faint spring of water near the summit of the ridge, as cold as melted ice."

From the extreme height of this ridge the travelers were able to see the peaks of the Rocky mountains; and Laramie's peak, one hundred and fifty miles distant, was distinctly visible. This author gives perhaps as nearly authentic a story of the tragedy which gave the name to the bluff as can now be told:

"A party of some five or six trappers, in the employment of the American Fur Company, were returning to the 'settlements,' under the command of a man—a noted mountaineer—named Scott. They attempted to perform the journey in boats, down the Platte. The current of the river became so shallow that they could not navigate it. Scott was seized with a disease which rendered him helpless. The men with him left him in the boat, and when they returned to their employers, reported that Scott had died on the journey, and that they had buried him on the banks of the Platte. The next year a party of hunters, traversing this region, discovered a human skeleton wrapped in blankets, which from the clothing and papers found upon it, was immediately recognized as being the remains of Scott. He had been deserted by his men, but afterwards recovering his strength sufficiently to leave the boat, he had wandered into the bluffs where he died, where his bones were found, and which now bears his name."[4]

As Captain Bonneville learned the story in 1832, Scott traveled sixty miles eastward before he succumbed at the bluffs.

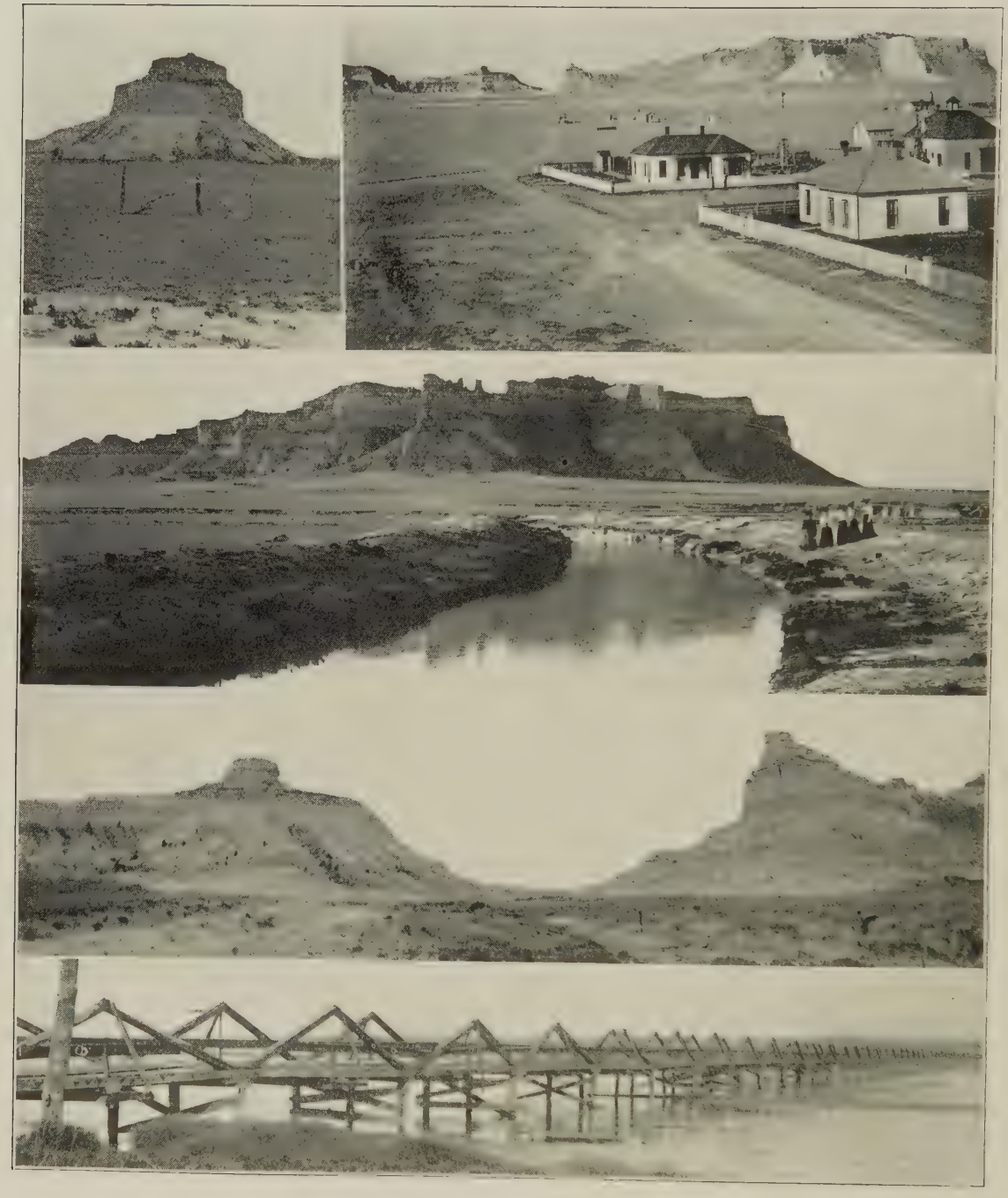
While those early travelers were keen and intelligent observers of the remarkable mountain region of Nebraska, it was left to the recent work of scientific men to furnish accurate information and specific data concerning it. Court House Rock is now about five miles from the river, its height above the sea level is 4,100 feet; and above the level of the river, 440 feet. Its upper part of about 160 feet is

[1] This was doubtless one of the numerous Robidoux family prominent in the fur trade throughout the West, and may have been Joseph Robidoux, who was born in St. Louis, August 2, 1783, and made his first voyage up the Missouri river in 1799. In 1803 he established the Blacksnake Hills trading post, on the site of the present city of St. Joseph, Missouri, which was named in his honor. This was his headquarters for over thirty years. In 1819, with Joseph M. Papin and Pierre Chouteau, Jr., he established a post at the mouth of the Nishnabotna river, opposite Bellevue, with a capital of $12,000. Robidoux was in charge of the American Fur Company's post at Bellevue, Nebraska, for six years, following Francis Deroin, who remained there but a short time after its establishment in 1810. He died in St. Joseph, May 27, 1868. Joseph had two brothers, Antoine and Jules, who were prominent in the fur trade and both of whom died in St. Joseph, the former on April 29, 1869, and the latter, February 26, 1875. The Robidoux were prominent in the fur trade throughout the West as early as 1825. Robidoux's post on the Gunnison river, and also that at Ft. Uintah, in the foot-hills of the Uintah mountains, were established by one of the Robidoux; but it is believed that this was Antoine, who was perhaps the most active of the three.

[2] Stansbury's Expedition, pp. 52 and 273.

[3] Ibid., p. 289.

[4] What I Saw in California, p. 104.



SCOTTS BLUFF AND VICINITY
Photographs by John Wright, Staff Artist

Scotts Bluff, the most imposing in appearance of all the elevations in the Platte valley, is 3 miles south of the town of that name and 2 miles west of Gering. The upper and next to the lower pictures show the Bluff, the Tower, and Mitchell's Pass, the route of the Oregon trail between them, looking west from Gering. The upper picture on the right was taken at midnight by the light of the moon, after an exposure of an hour and a half (photo by H. A. Mark). To the left of it is the Tower alone. The second picture from the top is a view of the Bluff from the east side, an irrigation canal in the foreground. At the bottom is the bridge at Camp Clarke, built in 1876, for the Black Hills traffic, by Henry T. Clarke with the aid of other enterprising citizens of Omaha, leading freighters, and the Union Pacific railroad company.

of sandstone and the rest of pink Bad Lands clay. Chimney Rock is somewhat less than two miles from the river; its height above sea level is 4,242 feet, and above the river, 340 feet. The chimney proper is about 50 feet in diameter at the base, 142 feet high, and is of sandy formation. A part of the upper forty feet of the chimney has been chipped off. The rest of the rock is of pink clay or marl, interbedded with volcanic ash. One of these beds is five feet in thickness. The varying colors of white and red attributed to these elevations by the early travelers were owing to the light to which they were exposed when they saw them. In the clear sunlight the color was white. Geologists suppose that the volcanic ash was blown across the plains from the far distant mountain regions of Arizona. Wind and rain tint the whole surface of these remarkable rocks with this whitish ash.

Scotts Bluff is about three-quarters of a mile from the river; 4,662 feet in height above sea level, and nearly 800 feet above the river. The upper 282 feet is of sandy and concretionary formation, below which are pink Bad Lands clays or marls, with two beds of white volcanic ash. This bluff is in Scotts Bluff county, and Court House Rock and Chimney Rock are in Cheyenne county. The highest peak in the range is Wild Cat mountain—5,084 feet—in Banner county. The highest elevation of these mountains, in Nebraska, is in the extreme northwest of Kimball county, where they reach the height of 5,300 feet.

It is said that the Oregon trail in Nebraska is entirely obliterated. In September, 1873, the writer of this history crossed it near Steele City, and it was then a gorgeous band of sunflowers, stretching on a direct line northwestwardly as far as the vision could reach—a most impressive scene. But the route may always be described generally by the principal rivers as follows: The Kansas, the Little Blue, the Platte, the Sweetwater, the Big Sandy, the Green, the Bear, the Snake, the Boise, the Grande Ronde, the Umatilla, the Columbia. The northern trail from old Council Bluff kept to the north of the Platte, crossing just beyond the mouth of the Laramie river. This northern route probably came to be considerably used about 1840. When Frémont crossed the Platte on his return, twenty-one miles below the junction of the north and south forks, he found on the north side "an excellent, plainly beaten road." Frémont crossed the Loup river below its forks, while the earlier Oregon trail crossed the forks above the junction. Subsequently there were branches from Florence, Omaha, Bellevue, Plattsmouth, Nebraska City, and Brownville, and from St. Joseph, and Ft. Leavenworth below the Nebraska line. They flourished most from the time of the gold discoveries in the Pike's Peak region until the Pacific roads were built.

"This wonderful highway was in the broadest sense a national road, although not surveyed or built under the auspices of the government. It was the route of a national movement—the migration of a people seeking to avail itself of opportunities which have come but rarely in the history of the world, and which will never come again. It was a route, every mile of which has been the scene of hardship and suffering, yet of high purpose and stern determination. Only on the steppes of Siberia can so long a highway be found over which traffic has moved by a continuous journey from one end to the other. Even in Siberia there are occasional settlements along the route, but on the Oregon trail in 1843 the traveler saw no evidence of civilized habitation except four trading posts, between Independence and Fort Vancouver.

"As a highway of travel the Oregon trail is the most remarkable known to history. Considering the fact that it originated with the spontaneous use of travelers; that no transit ever located a foot of it; that no level established its grades; that no engineer sought out the fords or built any bridges or surveyed the mountain passes; that there was no grading to speak of nor any attempt at metalling the road-bed; and the general good quality of this two thousand miles of highway will seem most extraordinary. Father De Smet, who was born in Belgium, the home of good roads, pronounced the Oregon trail one of the finest highways in the world. At the proper season of the year this was undoubtedly true. Before the prairies became too dry, the natural turf formed the best roadway for horses to travel on that has probably ever been known. It was amply hard to sustain traffic, yet soft

enough to be easier to the feet than even the most perfect asphalt pavement. Over such roads, winding ribbon-like through the verdant prairies, amid the profusion of spring flowers, with grass so plentiful that the animals reveled in its abundance, and game everywhere greeted the hunter's rifle, and finally, with pure water in the streams, the traveler sped his way with a feeling of joy and exhilaration. But not so when the prairies became dry and parched, the road filled with stifling dust, the stream beds mere dry ravines, or carrying only alkaline water which could not be used, the game all gone to more hospitable sections, and the summer sun pouring down its heat with torrid intensity. It was then that the trail became a highway of desolation, strewn with abandoned property, the skeletons of horses, mules, and oxen, and, alas! too often, with freshly made mounds and head boards that told the pitiful tale of sufferings too great to be endured. If the trail was the scene of romance, adventure, pleasure, and excitement, so it was marked in every mile of its course by human misery, tragedy, and death.

"The immense travel which in later years passed over the trail carved it into a deep furrow, often with several parallel tracks making a total width of a hundred feet or more. It was an astonishing spectacle even to white men when seen for the first time.

"It may be easily imagined how great an impression the sight of this road must have made upon the minds of the Indians. Father De Smet has recorded some interesting observations upon this point.

"In 1851 he traveled in company with a large number of Indians from the Missouri and Yellowstone Rivers to Fort Laramie, where a great council was held in that year to form treaties with the several tribes. Most of these Indians had not been in that section before, and were quite unprepared for what they saw. 'Our Indian companions,' says Father De Smet, 'who had never seen but the narrow hunting paths by which they transport themselves and their lodges, were filled with admiration on seeing this noble highway, which is as smooth as a barn floor swept by the winds, and not a blade of grass can shoot up on it on account of the continual passing. They conceived a high idea of the countless White Nation, as they express it. They fancied that all had gone over that road, and that an immense void must exist in the land of the rising sun. Their countenances testified evident incredulity when I told them that their exit was in nowise perceived in the land of the whites. They styled the route the Great Medicine Road of the Whites.'[1]

"Over much of its length the trail is now abandoned, but in many places it is not yet effaced from the soil, and may not be for centuries. There are few more impressive sights than portions of this old highway to-day. It still lies there upon the prairie, deserted by the traveler, an everlasting memorial of the human tide which once filled it to overflowing. Nature herself has helped to perpetuate this memorial, for the prairie winds, year by year, carve the furrow more deeply, and the wild sunflower blossoms along its course, as if in silent memory of those who sank beneath its burdens. . . .

"Railroads practically follow the old line from Independence to Caspar, Wyoming, some fifty miles east of Independence Rock; and from Bear river on the Utah-Wyoming line to the mouth of the Columbia. The time is not distant when the intermediate space will be occupied, and possibly a continuous and unbroken movement of trains over the entire line may some day follow. In a future still more remote there may be realized a project which is even now being agitated, of building a magnificent national road along this line as a memorial highway which shall serve the future and commemorate the past."[2]

There were other journeys of minor importance through Nebraska to the far Northwest, previous to Frémont's return from his first expedition, when the trans-Missouri region was no longer an unknown country. About 1832 a strong movement began for sending missionaries to the Indian tribes beyond the Rocky mountains. In 1834 the Methodists sent Jason and Daniel Lee; and in 1835 the Presbyterians sent Marcus Whitman and Rev. Samuel Parker, who started from Bellevue on the 22d of June with a caravan of the American Fur Company led by Lucien Fontenelle. The party first traveled to the Elkhorn river, which they followed ten miles, then followed Shell creek "a good distance." They crossed the Loup at the Pawnee villages near the junction of the forks, then went southwest to the Platte river, which they followed to the forks, and then proceeded along the north fork.

[1] Western Missions and Missionaries, pp. 97–98.

[2] History American Fur Trade, vol 1, pp. 460–63.

SCENES AT ASH HOLLOW

Photographs by John Wright, Staff Artist

The figure on the hill is that of Mr. Albert Watkins, editor of the MORTON HISTORY

The original route of the Oregon trail, from the south fork to the north fork of the Platte river, by way of Ash Hollow, descends northward from the plain, 3,763 feet above sea level, 4 miles to the river bottom, at an elevation of 3,314 feet. From the head of the Hollow, the trail, still visible, wound to the left about a mile along the sharp-backed ridges, then dropped by a very steep descent eastward into the Hollow, which here widens into a level valley from a quarter to half a mile wide. The spring, a luxury to the emigrants, still bubbles up strongly a quarter of a mile from the mouth of the Hollow, and at the base of a cliff about 100 feet high, as shown in the middle picture. The cedar and ash trees at one time abundant have all been cut away. Marks of Ft. Grattan, occupied as a post in 1855, are visible near the river north of the east side of the mouth of the Hollow. On the west side of the mouth of the Hollow are the modest gravestones of Rachael Patterson, a girl of nineteen, who died in 1849, and of two infant children.

In his journal[1] Parker relates that his party crossed the Elkhorn on the 25th of June, 1835. "For conveyance over this river we constructed a boat of a wagon body so covered with undressed skins as to make it nearly water-tight. The method was very good." This appears to have been a favorite method of fording streams; for the first wagon train that crossed the plains of which we have any account—that of Captain Bonneville, in 1832—forded the Platte in the same way. The wagons, "dislodged from the wheels, were covered with buffalo hides and besmeared with a compound of tallow and ashes, thus forming rude boats."[2] Mr. Parker tells us that,

"The manner of our encamping is to form a large hollow square, encompassing an area of about an acre having the river on one side; three wagons forming a part of another side, coming down to the river; and three more in the same manner on the opposite side; and the packages so arranged in parcels, about three rods apart, as to fill up the rear and the sides not occupied by the wagons. The horses and mules, near the middle of the day, are turned out under guard to feed for two hours, and the same again towards night, until after sunset, when they are taken up and brought within the hollow square, and fastened with ropes twelve feet long to pickets driven firmly in the ground. The men are divided into companies, stationed at the several parcels of goods and wagons, where they wrap themselves in their blankets and rest for the night; the whole, however, are formed into six divisions to keep guard, relieving each other every two hours. This is to prevent hostile Indians from falling upon us by surprise, or coming into the tent by stealth and taking away either horses or packages of goods."

The Pawnees were evidently the same troublesome, thieving creatures at the time of their first relations with white men as they proved to be down through territorial times. On the 2d of July Parker records[3] that, "these Indians were going out upon their summer hunt by the same route we were pursuing, and were not willing we should go on before them lest we should frighten away the buffalo." And again, July 6: "We were prevented from making the progress we might have done if the Indians would have permitted us to go on and leave them. The men of the caravan began to complain of the delay, and had reason to do so, having nothing to eat but boiled corn and no way to obtain anything more before finding buffaloes." And then, July 9, we have a hint of that irrepressible spirit which was soon to force the Indians out and away from further opportunity for interference; for "Captain Fontenelle, by a large present, purchased of the Indians the privilege of going on tomorrow without them." But "our men could hardly have been kept in subordination if they had not consented." On the 14th of July "the announcement of buffalo spread cheerfulness and animation through the whole caravan, and to men whose very life depended on the circumstances it was no indifferent event. From the immense herd of these wild animals. . . we were to derive our subsistence."

Francis Parkman, the noted historian, traveled over the Oregon trail, starting from Leavenworth in May, 1846. Like every other observant traveler, he makes note of the Pawnee trails leading from their villages on the Loup and the Platte to the southwestward hunting grounds. The universal notice of these trails, which appear to have extended as far as the Smoky Hill river, proves that they must have been well defined. Parkman expresses the difference in the impression made upon travelers by the plains and by the mountain country, by noting that the trip from Ft. Leavenworth to Grand island was regarded as the more tedious, while that from Ft. Laramie west was the more arduous. By this time the principal points in the Oregon trail had come to be permanently fixed, and Parkman says, "We reached the south fork of the Platte at the usual fording place." The trail had also become a busy highway by 1846, for Parkman tells us that the spring of that year was a busy season in the city of St. Louis. "Not only were emigrants from every part of the country preparing for the journey to Oregon and California but an unusual number of traders were

[1] P. 49.
[2] Bonneville's Adventures, p. 53.
[3] Journal of an Exploring Tour beyond the Rocky Mountains, 1835-37, pp. 52-53.

making ready their wagons and outfits for Santa Fé. The hotels were crowded and the gunsmiths and saddlers were kept constantly at work preparing arms and equipments for the different parties of travelers. Steamboats were leaving the levee and passing up the Missouri, crowded with passengers on their way to the frontier." Parkman adds his testimony as to the illusory notion of the navigability of the Platte in an account of the misadventures of a fleet of eleven boats laden with furs which were attempting to make use of that treacherous stream as a highway: "Fifty times a day the boats had been aground; indeed, those who navigate the Platte invariably spend half their time on sand-bars. Two or three boats, the property of private traders, afterward separating from the rest, got hopelessly involved in the shallows, not very far from the Pawnee villages, and were soon surrounded by a swarm of the inhabitants. They carried off everything that they thought valuable, including most of the robes; and amused themselves by tying up the men left on guard and soundly whipping them with sticks."[1]

Bryant testifies to the futility of successfully attempting to navigate the Platte even with the shallow Mackinaw boats. Below the forks he met two parties with these craft laden with buffalo skins and bales of furs. The men were obliged to jump into the stream very frequently to push the boats over the bars, and it would often require three or four hours to cover a single mile.

These incidents may be coupled in an interesting way with the serious attempts to navigate the Platte in the later territorial times.

Bayard Taylor, in his Eldorado, or Adventures in the Path of Empire, gives the following vividly realistic description of the part which Nebraska was playing in the great drama of California emigration:

"The great starting point for this route was Independence, Missouri, where thousands were encamped during the month of April, waiting until the grass should be sufficiently high for their cattle, before they ventured on the broad ocean of the plains. From the first of May to the first of June, company after company took its departure from the frontier of civilization, till the emigrant trail from Ft. Leavenworth, on the Missouri, to Ft. Laramie at the foot of the Rocky Mountains, was one long line of mule-trains and wagons. The rich meadows of the Nebraska or Platte, were settled for the time, and a single traveler could have journeyed for the space of a thousand miles, as certain of his lodging and regular meals as if he were riding through the old agricultural districts of the Middle States. The wandering tribes of Indians on the plains —the Pawnees, Sioux, and Arapahoes—were alarmed and bewildered by this strange apparition. They believed they were about to be swept away forever from their hunting grounds and grass. As the season advanced and the great body of emigrants got under way, they gradually withdrew from the vicinity of the trail, and betook themselves to grounds which the former did not reach. All conflicts with them were thus avoided, and the emigrants passed the Plains with perfect immunity from their hostile and thievish visitations.

"Another and more terrible scourge, however, was doomed to fall upon them. The cholera, ascending the Mississippi from New Orleans, reached St. Louis about the time of their departure from Independence, and overtook them before they were fairly embarked on the wilderness. The frequent rains of the early spring, added to the hardship and exposure of their travel, prepared the way for its ravages, and the first three or four hundred miles were marked by graves. It is estimated that about four thousand persons perished from this cause."

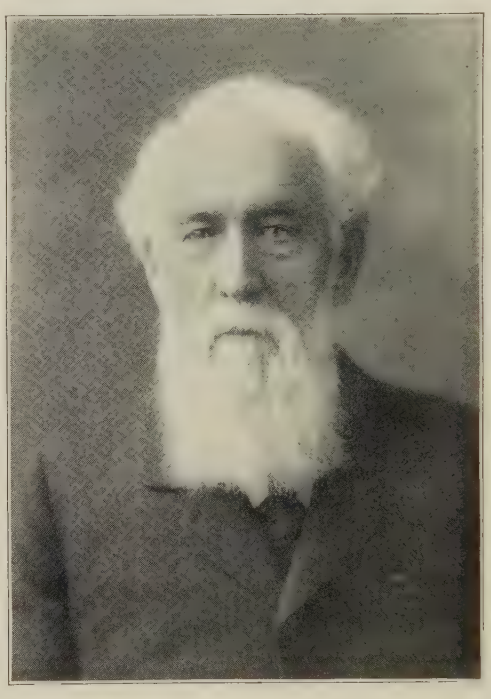
William Kelly observed Ft. Kearney with foreign contemptuousness, thus: "We reached Ft. Kearney early in the evening—if fort it can be called—where the States have stationed a garrison of soldiers, in a string of log huts, for the protection of the emigrants; and a most unsoldierly looking lot they were—unshaven, unshorn, with patched uniforms, and lounging gait. Both men and officers were ill off for some necessaries, such as flour and sugar, the privates being most particular in their inquiries after whisky."[2]

Stansbury, who reached Ft. Kearney on the 19th of June, gives this description

[1] Oregon Trail, pp. 69–70.

[2] Pp. 99, 100.

of the fort: "The post at present consists of a number of long, low buildings, constructed principally of adobe, or sun-dried bricks, with nearly flat roofs; a large hospital tent; two or three workshops, enclosed by canvas walls; store houses constructed in the same manner; one or two long adobe stables, with roofs of brush; and tents for the accommodation of horses and men." He speaks of the road over the prairies as being "already broad and well beaten as any turnpike in our country." He says of the emigrant's wagon that "it is literally his home. In it he carries his all, and it serves him as a tent, kitchen, parlor, and bedroom, and not infrequently as a boat to ferry him over an otherwise impassable stream. Many have no other shelter from the storm during the whole journey, and most of these vehicles are extremely tight, roomy, and comfortable." He complains of the breaking out of skin diseases on account of the lack of fresh meat and vegetables; and as to game, "Ashambault, our guide, told me that the last time he passed this spot [the valley of the Platte near the eastern end of Grand island] the whole of the immense plain as far as the eye could reach, was black with herds of buffalo. Now not so much as one is to be seen; they have fled before the advancing tide of emigration." The emigrants were obliged to go four or five miles from the line of travel to find a buffalo. Stansbury says that the Pawnee Indians were very troublesome between the Blue and Ft. Kearney, so that a force had been sent from the fort to drive them off. A great many of the travelers became discouraged before they had entirely crossed the Missouri plains, and Stansbury relates that "wagons could be bought from them for from ten to fifteen dollars apiece and provisions for almost nothing at all." The party forded the south fork of the Platte one hundred and eighty miles west of Ft. Kearney in this way: "One of the wagons, as an experimental pioneer, was partially unloaded by removing all articles liable to injury from water, and then driven into the stream; but it stuck fast, and the ordinary team of six mules being found insufficient to haul it through the water, four more were quickly attached and the crossing was made with perfect safety and without wetting anything. In the same manner were all



ALEXANDER MAJORS[1]
FRONTIERSMAN, PIONEER FREIGHTER, UNDER WHOSE DIRECTION THE PONY EXPRESS WAS INAUGURATED

[1]Alexander Majors, pioneer freighter, son of Benjamin and Laurania (Kelly) Majors, was born October 4, 1814, near Franklin, Kentucky. When he was five years of age his father moved to the territory of Missouri, settling in what is now Lafayette county, where Alexander passed his youth upon a farm. His education was limited owing to the meager advantages of the country. In August, 1848, he began freighting between Independence, Missouri, and Santa Fé, New Mexico, a distance of eight hundred miles. Mr. Majors was a very religious man, and at the outset of his business career required all employees to sign a contract pledging good behavior, which read as follows: "While I am in the employ of A. Majors, I agree not to use profane language, not to get drunk, not to gamble, not to treat animals cruelly, and not to do anything else that is incompatible with the conduct of a gentleman. And I agree, if I violate any of the above conditions, to accept my discharge without any pay for my services." A few years later, when the Civil war was in progress, he bound his employees to true allegiance to the United States government. The freighting business proved very successful, and in 1855 a partnership was formed with W. H. Russell, of Lexington, Missouri, the firm being Majors & Russell. In 1858 they obtained a contract with the government for transporting supplies to Utah, New Mexico, and military posts of the West. With the admission of W. B. Waddell, of Lexington, Missouri, the style of the firm was changed to Russell, Majors & Waddell, and another station was established at Nebraska City, with Mr. Majors in charge. He removed with his family to that place, where he continued to reside for nine years. In 1860 he bought the interest of his partners

the remaining wagons crossed, one by one, by doubling the teams and employing the force of nearly the whole party wading alongside to incite and guide the mules. The water was perfectly opaque with thick yellow mud and it required all our care to avoid the quicksands with which the bottom is covered. . . Both man and beast suffered more from this day's exertion than from any day's march we had yet made."

Published accounts of this California travel seem to be confined to the lower route—from Independence, St. Joseph, and Ft. Leavenworth. In the year 1849 one William D. Brown[1] had a charter for operating the Lone Tree Ferry across the river from Council Bluff to accommodate this class of emigration. The upper routes, however, did not come into general use until the Pike's Peak discoveries of gold about ten years later.

The "Overland Mail" and the "Overland Stage" to California are justly famous as factors in the vast enterprise of opening up the western plains and of traversing them for communication with the Pacific Coast. The simultaneous development of the California gold fields and the successful founding of the great Mormon settlement at Salt Lake City led to the establishment by the federal government of the "Overland Mail," and the first contract for carrying this mail was let in 1850 to Samuel H. Woodston of Independence, Missouri. The service was monthly and the distance between the terminal points, Independence and Salt Lake City, was twelve hundred miles. Soon after this time this mail route was continued to Sacramento, California. The service was by stage-coach, and the route was substantially the same as the Oregon trail as far as the Rocky mountains, and thus passed through Nebraska. Ft. Kearney, Ft. Laramie,[2] and Ft. Bridger[3] were the three military posts on the route. When serious trouble with the Mormons was threatened in 1857, General Al-

and continued the business under his own name. The famous Pony Express was established by Mr. Majors's firm, and under his direction, in 1860. It was continued two years, W. F. Cody (Buffalo Bill) being one of its most renowned relay riders. Upon the building of the telegraph lines and the completion of the continental railroad, Mr. Majors abandoned the freighting business and turned his attention to mining. During the Mexican war he served under Col. A. W. Doniphan, and rendered distinguished service. In 1893 he published the story of his life under the caption, "Seventy Years on the Frontier." He died January 13, 1900, and was buried in Union Cemetery, Kansas City.

[1] William D. Brown, one of the first settlers of Omaha, came to that place June 3, 1853. He was born in 1813, and for many years he had been a resident of Mt. Pleasant, Henry county, Iowa, and was the first sheriff of that county, having been elected in January, 1837. In 1849 he started westward, intending to go to the gold fields of California. Seeing the opportunity for money-making by a ferry at Council Bluffs to accommodate the great California travel, he remained there and established "The Lone Tree Ferry," so called from the fact that the boat arrived and departed from the foot of a single tree on the Nebraska side of the river. At the same time Mr. Brown was engaged in the hotel business in Council Bluffs, being part owner of the Bluff House. In November, 1853, he made a claim which nearly covered the town site of Omaha as it was afterwards laid out. He marked his claim by blazing trees with a hatchet, and this was doubtless the first land even irregularly surveyed in Nebraska. In July, 1853, Mr. Brown, in company with Samuel Bayliss, Enos Lowe, Joseph D. Street, and others, all of Iowa, organized a steam ferry company, which was known as the Council Bluffs and Nebraska Ferry Company. Mr. Brown afterwards sold his share in this company. He died February 3, 1868, but his descendants still reside in Nebraska. One daughter married Alfred Sorenson, author of a history of Omaha and publisher of the Omaha *Examiner;* another daughter, Nellie, became a writer of some note; and a third is Mrs. McKenzie.

[2] Ft. Laramie was founded by Robert Campbell and William Sublette in 1834. Campbell built it of logs, on the west bank of the Laramie river, half a mile from its junction with the Platte. He called it Ft. William in honor of Sublette. It is said that there was another post, called Ft. St. John, at the mouth of the Laramie river, and from this fact the confusion of the name with that of Ft. William arose. Soon after it was built Ft. Laramie came into the hands of the American Fur Company, through its representative, Lucien Fontenelle, and in 1836 the log structure was replaced by one of adobe brick. In 1849 it became a United States military post.

Bryant describes the post as follows:

"'The fort,' as it is called, is a quadrangle, the walls of which are constructed of adobes or sun-dried bricks. The area enclosed is, I should suppose, about half or three-fourths of an acre of ground. Its walls are surmounted by towers and the gate is defended by two brass swivels. On three sides of the court next to the walls, are various offices, store rooms, and mechanical shops. The other side is occupied by the main building of the fort, two stories in height. The Indians have permission to enter the fort during the day; at night they encamp in their lodges on the plains."

The Fur Company raised cattle and poultry and kept herds of horses and mules, part of which they bred and the rest they bought from the Indians.

According to Parker, the first mountains encountered on the Oregon trail west of Ft. Laramie were called by the early travelers the Black Hills, "from being covered with shrubby cedars, which gave them a dark appearance when seen at a distance."—(Parker's Journal, p. 69.)

[3] Ft. Bridger was established by the Mormons, on the site of "Jim" Bridger's claim, where he had settled

bert Sidney Johnston was sent with five thousand soldiers into the Salt Lake valley, and the mail service was soon after increased to weekly trips. In 1859 this mail contract was transferred to Russell, Majors & Waddell who afterwards became the most extensive freighters in Nebraska from the Missouri river. The firm's original headquarters were at Leavenworth, but when it took the contract for carrying supplies to Johnston's army in 1858 Nebraska City was chosen as a second Missouri river initial station, and the business was conducted by Alexander Majors, who thus became a very prominent citizen of the territory. He states that over sixteen million pounds of supplies were carried from Nebraska City and Leavenworth to Utah in the year 1858, requiring over three thousand five hundred wagons and teams to transport them.[1] This firm controlled the Leavenworth and Pike's Peak express, and after taking the mail contract in question the two stage lines were consolidated under the name of the Central Overland California and Pike's Peak Express. The new contractors abandoned St. Joseph as an initial point, and started only from Atchison and Leavenworth. After the subsidence of the Mormon trouble the mail service to Salt Lake City was reduced—in June, 1859. The first through mail line to the Pacific coast was opened by the post-office department September 15, 1858, and it ran from St. Louis through Texas via Ft. Yuma to San Francisco. It was operated by the Butterfield Overland Mail Company, John Butterfield being the principal contractor. The main objection urged against the northern route was that on account of deep snow and severe weather the mail could not be carried regularly and the trips were often abandoned during a considerable part of the winter season; but southern wish and political power were doubtless the real father to the thought of the change. The mail left St. Louis and San Francisco simultaneously on the 15th of September, 1858, to traverse for the first time a through route from the Missouri river to the Pacific ocean. The trips were made semi-weekly with Concord coaches

ONE TYPE OF THE FAMOUS CONCORD STAGE-COACH[2]

in the '30's. The Mormons camped at this point in July, 1847, on their pilgrimage to the Great Salt Lake valley, and later they built a stone fort here which they called Ft. Bridger. This fortification was held by 2,700 armed Mormons during the winter of 1857–58, while the army of General Albert Sidney Johnston was encamped three miles to the south. After the evacuation of the Mormons in June, 1858, Ft. Bridger became an important military post of the United States, and the third established on the great Overland Route. This historic military establishment was situated on the western side of the Rocky mountains, at an altitude of about 7,000 feet above the sea, and was 478 miles northwest of Denver and 124 miles northeast of Salt Lake. It is no longer of consequence, but still retains its place on the map, in the southwest corner of Wyoming. James H. Bridger was born 1804, and died 1881.

[1] Twenty Years on the Frontier, p. 77.

[2] This engraving is from a photograph of the stage-coach sold by Granville Ensign, of Lincoln, Nebraska, for exhibition at the St. Louis Exposition of 1904. It was in just such a coach as this that Mr. Ensign journeyed from Nebraska City to Lincoln on his first visit to the state in 1870, the fare being $6.00 one way. This particular coach was used by the Western Stage Company in the early '60's, on its line between Omaha and Ft. Kearney. While this is not in the strictest sense a "Concord" coach, it is one style of that famous vehicle, and was made by the manufacturers of the more distinctive Concord, the Abbot-Downing Company, Concord, New Hampshire. The standard Concords had a boot, front and back, but no seat on the back, although they sometimes had an extra seat just back of the driver. They also had an iron rail around the wooden top. This is a nine-passenger coach, with three seats inside, each accommodating three passengers, while five more could be carried on top. The Concord coaches transported, for a period of ten years, the entire overland letter mail, thousands of passengers, and millions of dollars in treasure. They were drawn by four or six horses or mules, and made an average of 115 miles a day. It is recorded that on one

drawn by four or six horses, and the schedule time was twenty-five days.

On account of the disturbance of the Civil war the southern route was abandoned in the spring of 1861, and a daily mail was established over the northern route, starting at first from St. Joseph, but a few months afterward from Atchison, Kansas. The consolidated stage line which carried it—the Central Overland California and Pike's Peak Express—was in operation for about five years, or until it was superseded in part by the partial completion of the transcontinental railway. The first through daily coaches on this line left the terminal points—St. Joseph, Missouri, and Placerville, California—on the 1st of July, 1861, the trip occupying a little more than seventeen days. This stage route followed the overland trail on the south side of the Platte river, while the Union Pacific railroad, which superseded it as far as Kearney in 1866, was built on the north side of the river. "For two hundred miles—from Fort Kearney to a point opposite old Julesburg—the early stage road and railroad were in no place more than a few miles apart; and in a number of places a short distance on either side of the river and only the river itself separating them."[1] As the Central Pacific and Union Pacific railway lines approached each other from the west and from the east, the stages adapted their starting points from time to time to the termini of the railroads. The Concord coaches used on this greatest stage line ever operated, and so-called because they were built in Concord, New Hampshire, accommodated nine passengers inside and often one or two sat beside the driver. Sometimes an extra seat was built on the outside behind the driver, and not infrequently as many as fifteen passengers rode in and on a coach.

Until 1863 the passenger fare by this stage line was $75 from Atchison to Denver, $150 to Salt Lake, and $225 to Placerville. The fare was increased soon after when the currency of the country became inflated. Ben Holladay,[2] who was the transportation Morgan

occasion, Ben Holladay, having important business in the East, notified his division superintendents to have everything in readiness, and started by special coach from the western terminus for Atchison, a distance of 2,000 miles, which was covered in twelve days and two hours. It is said that the journey cost the great stage magnate $20,000, in wear and tear on horses and rolling stock and other expenses.

[1] The Overland Stage to California, p. 45.

[2] Benjamin Holladay, proprietor of the Overland Stage Line and the Holladay Overland Mail and Express Company, was born in Kentucky near the old Blue Lick battlefield, in 1824, and died in Portland, Oregon, in 1877. He was a son of William Holladay, who was of Virginian ancestry, and connected by blood with the famous Hughes family of that state. He had but little education, and when about fifteen years of age went to Liberty, Missouri, then to Weston where he was a clerk in a store. At the age of seventeen he was a courier for Colonel Doniphan in the far West; at twenty he was in charge of a hotel at Weston, Missouri, and three years later became postmaster of that town. In 1846 he established a drug store there, but this quiet life did not satisfy him, and during the Mexican war he obtained contracts with the government for supplying provisions to Colonel Doniphan's regiment. At the close of the war he was already known as a business man of wealth and prominence. In 1849 he formed a partnership with Theodore F. Warner to engage in trade in the Salt Lake valley and California gold fields, and went to Salt Lake with a train of fifty wagons of merchandise. Here he met Brigham Young and was endorsed by the great Mormon leader, whose friendly influence brought the firm first-class patronage. On arriving in Sacramento he built several small steamboats that plied up and down the Sacramento river furnishing provisions to the miners. His water traffic increased rapidly, so that before 1865 he was sole owner of sixteen Pacific ocean steamers carrying goods and passengers to Oregon, Panama, Japan, and China. In the early '50's he returned to Missouri and bought over 1,700 acres of farm lands. Soon after he removed to St. Louis, where he remained until 1859 or '60 and then went to New York. In the early '60's he purchased from Majors, Russell & Waddell the Pony Express line, then running to Salt Lake City, which he soon merged into a stage route with the finest line of coaches ever run in America. This line began at Atchison, Kansas, and ran through to San Francisco, making fast and schedule time. Mr. Holladay accumulated a vast fortune, and was a large property owner in Kansas, Missouri, Nebraska, New York, and other states. He had large interests in Brownville, Nebraska, where his brother Dr. A. S. Holladay, was one of the first and most prominent settlers. He built a magnificent home in Washington, D. C., also one near New York City, known as Ophir Farm, and which, after the reverse of Mr. Holladay's fortunes, was purchased by Whitelaw Reid. The construction of the Union Pacific railroad westward and the Central Pacific eastward rapidly shortened the great Overland Stage line and this, together with the Indian depredations, caused Mr. Holladay much financial embarrassment. He was finally forced to sell his interests to the Wells Fargo Company, which later obtained control of, and for many years operated all the stage and express lines between the Missouri river and the Pacific Ocean.

Mr. Holladay was first married to Notley Ann Calvert, in Platte county, Missouri, about 1842, and four children were born to them. The two daughters married titled foreigners, but met sudden and untimely deaths; the oldest son, Benjamin, at one time a prom-

or Hill of those days, controlled this great line. In 1865 he obtained the contracts for carrying the mail from Nebraska City and Omaha to Kearney City. The Western Stage Company was another large transportation organization which operated stages in Iowa; and from the latter '50's until it was taken over by Holladay, quite after the fashion of present day combinations, it operated stage lines from Omaha and Nebraska City to Ft. Kearney. There was a good deal of friction between these two lines during the times of heavy travel, owing to the fact that the through passengers on the Overland route from Atchison filled the stages so that those coming from Omaha and Nebraska City on the Western Stage Company's lines were often obliged to wait at Ft. Kearney a tedious number of days.

The famous Pony Express, which was put in operation in 1860 between St. Joseph and Sacramento, was the forerunner of the present great fast mail system of the United States.

In 1854 Senator W. M. Gwin of California rode to Washington on horseback on the central route by way of Salt Lake City and South pass; and over part of the route B. F. Ficklin,[1] superintendent of the firm of Russell, Majors & Waddell, was his companion. The idea of the famous Pony Express grew out of this trip. Senator Gwin introduced a bill into the Senate to establish a weekly mail on the pony express plan, but without avail, and then, through Gwin's influence, Russell organized the scheme as a private enterprise through the Central Overland California and Pike's Peak Express Company. No financial aid was extended to the company by the government. Ordinary letters were carried by the slower service and were barred by the high toll from this fast express. "The charges were originally five dollars for each letter of one-half ounce or less; but afterward this was reduced to two dollars and a half . . ., this being in addition to the regular United States postage."[2]

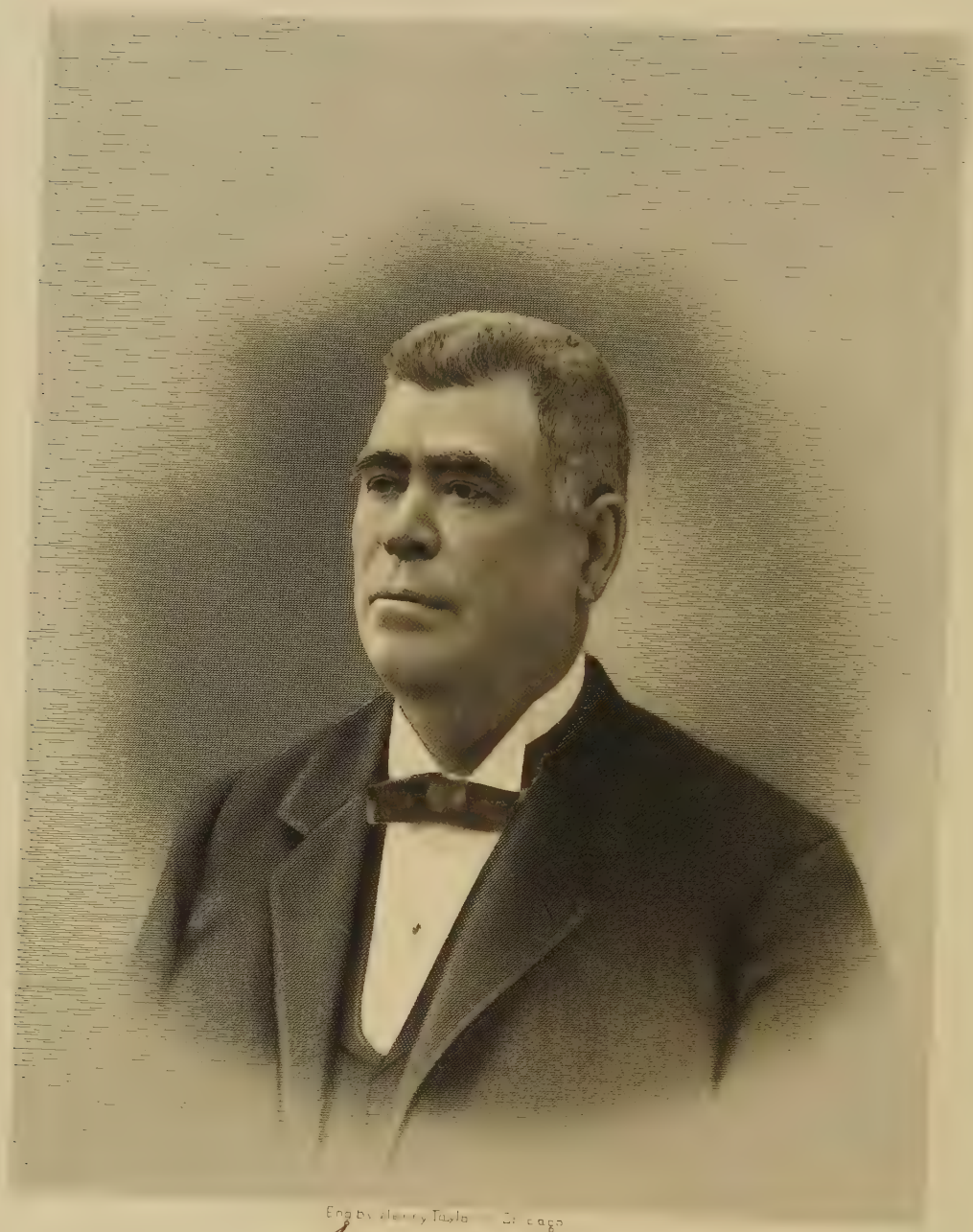
The originators of this great enterprise evidently knew that its regular revenue would amount to but a small part of the operating expenses, and counted on receiving a subsidy from the federal government. But the subsidy of a million dollars was reserved for the slower daily mail which superseded the pony express. This brilliant pioneer object lesson in fast transcontinental service cost the demonstrators some two hundred thousand dollars in loss. By the act of Congress of March 2, 1861, the contract of the post-office department with the Overland company of the old southern route for a daily mail over the central route included a semi-weekly pony express. The original company continued to operate the Pony Express under this contract by arrangement with the Overland company until it failed in August, 1861. The Express was continued by other parties until October 24 of that year when the through telegraph line had been completed.

In 1860, according to the report of the postmaster general, there was a tri-monthly mail by the ocean to California, and a semi-monthly mail from St. Joseph to Placerville, but during the year this was increased to a weekly between St. Joseph and Ft. Kearney, "for the purpose of supplying the large and increasing populations in the regions of the Pike's Peak and Washoe mines." There were two other mail routes to San Francisco—a weekly from New Orleans, via San Antonio

inent business man in San Francisco, died in Washington, D. C., while Joe died in Hongkong, China. Mr. Holladay was again married to a Miss Campbell, of Portland, Oregon, and two children were born to them. He died in 1877, comparatively poor. In 1888 the Washington home, with its contents, was sold at auction.

[1] Benjamin F. Ficklin was a Virginian, and was connected with the pony express project from its inception. When it was demonstrated that the enterprise was operating at a loss, Ficklin was placed in charge as superintendent in the spring of 1860. He was experienced in the business, and was not long in putting the line upon a more substantial basis. A man of indomitable courage and great force of character, he soon made himself master of the situation. He remained with the company until the close of 1861, when he resigned to enlist in the Confederate army. After the close of the war, Mr. Ficklin was engaged with General Armstrong in operating a number of stage lines in the southwestern states, and in a few years amassed a fortune. He died in Washington, from choking on a fish bone at Willard's hotel. He was widely known and very popular throughout the West, and was held in the highest esteem by those who served under him.

[2] The Pony Express, *Century Magazine*, vol. 56, p. 887.



Engd by Henry Taylor Chicago

W. A. Paxton

and El Paso, and a semi-weekly from St. Louis and Memphis.

"By the 9th section of an act of Congress approved March 2, 1861, authority is given to the postmaster general to discontinue the mail service on the southern overland route (known as the 'Butterfield' route) between St. Louis and Memphis and San Francisco, and to provide for the conveyance, by the same parties, of a six-times-a-week mail by the 'central route,' that is, from some point on the Missouri river, connecting with the east, to Placerville, California. In pursuance of this act, and the acceptance of its terms by the mail company, an order was made on the 12th of March, 1861, to modify the present contract so as to discontinue the service on the southern route and to provide for the transportation of the entire letter mail, six times a week on the central route, to be carried through in twenty days eight months in the year, and in twenty-three days four months in the year, from St. Joseph, Missouri (or Atchison, Kansas), to Placerville, and also to convey the entire mail three times a week to Denver City and Salt Lake, . . . a pony express to be run twice a week until the completion of the overland telegraph, through in ten days, eight months, and twelve days, four months in the year, conveying for the government free of charge five pounds of mail matter. . . . The transfer of stock from the southern to the central route was commenced about the 1st of April, and was completed so that the first mail was started from St. Joseph on the day prescribed by the order, July 1, 1861. . . . The overland telegraph having been completed, the running of the pony express was discontinued October 26, 1861. . . . At the commencement of threatening disturbances in Missouri, in order to secure this great daily route from interruption, I ordered the increase of the weekly and tri-weekly service, then existing between Omaha and Ft. Kearney, to daily. . . . By that means an alternative and certain daily route between the east and California was obtained through Iowa, by which the overland mails have been transported when they became unsafe on the railroad route in Missouri. In sending them from Davenport, through the state of Iowa, joining the main route at Ft. Kearney, in Kansas [Nebraska] the only inconvenience experienced was a slight delay, no mails being lost so far as known."[1]

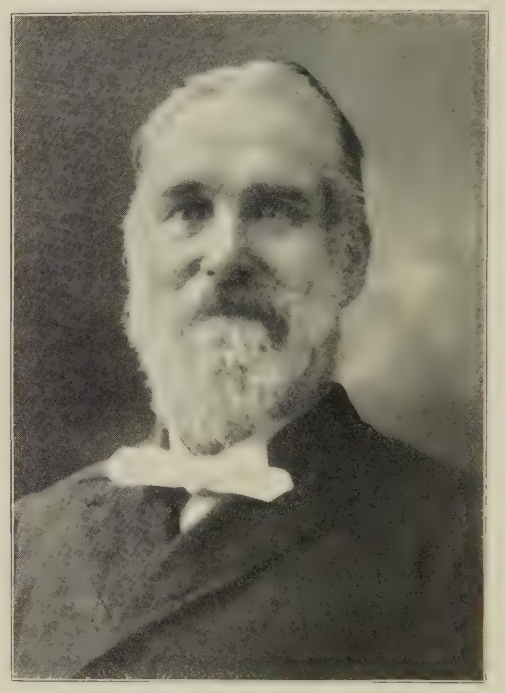
In the spring of 1860 an advertisement containing the schedule of the new enterprise was published in New York and St. Louis newspapers. It announced that the Pony Express would run regularly each week from April 3, 1860, that it would carry letter mail only, that it would pass through Forts Kearney, Laramie, and Bridger, Great Salt Lake City, Camp Floyd, Carson City, the Washoe silver mines, Placerville, and Sacramento, and that the letter mail would be delivered in San Francisco within ten days of the departure of the express. Telegraph dispatches were delivered in San Francisco in eight days after leaving St. Joseph.[2] W. H. Russell,[3] president of the Central Overland California and Pike's Peak Express Company, was the mainspring of this remarkable enterprise. About five hundred of the hardiest and fleetest horses were used; there were a hundred and ninety stations distributed along the route from nine miles to fifteen miles apart, and each of the eighty riders covered three stations, or an aggregate of about thirty-three miles, using a fresh horse for each stage. In the spring of 1861 the express left St. Joseph twice a week—on Wednesdays and Saturdays. The maximum weight of the letters carried was twenty pounds. The schedule at first was ten days, but it was afterward accelerated to eight days. The time occupied in making the first trip between St. Joseph and Sacramento was nine days and twenty-three hours, not much more than half the time of the fastest overland coach trip between St. Louis and San Francisco by the southern route. At Sacramento the mail was taken aboard steamers, which made as fast time as possible down the Sacramento river for the remaining one hundred twenty-five miles to San Francisco. Sure-footed and tough Mexican horses were commonly used on the rough, mountainous stages. Heat and alkali dust in summer, snow and torrential streams in winter, and hostile Indians the year round, made these trips exceedingly difficult and hazardous. Armed men mounted on bronchos were stationed at

[1] Messages and Documents, 1861–62, pt. 3, pp. 560–61.

[2] They were carried by Pony Express to Placerville or Sacramento and telegraphed from there.

[3] General Bela M. Hughes, late of Denver, Colorado, succeeded William H. Russell as president of the Overland, in March, 1861.

regular intervals along a large part of the trail to protect the riders from the Indians. These riders of necessity were distinguished for remarkable endurance and courage, and many of them afterward became famous as hunters and Indian fighters on the great plains. The route of William F. Cody, who afterward became a permanent citizen of Nebraska, lay between Red Buttes, Wyoming, and Three Crossings on the Sweetwater, a distance of about seventy-six miles, and one of the most difficult and dangerous stages of the whole line. Cody himself relates that in an emergency he continued his trip on from Three Crossings to Rocky Ridge — eighty-five miles—and then back to his starting point, Red Buttes, covering the total distance of three hundred and twenty-two miles without rest, making not less than fifteen miles an hour. The Pony Express was operated for eighteen months, or until it was superseded by the telegraph, which was completed in 1861. Considering its vicissitudes and hazards and its remarkable speed, so nearly approximating that of the steam railway train, the Pony Express was the most interesting and picturesque transportation enterprise of which we have any record. The Express followed the line of the old Oregon trail in Nebraska, passing through Big Sandy and Thirty-two Mile creek stations south of the Platte, and from Ft. Kearney westward by way of Plum creek, Cottonwood Springs, and O'Fallons Bluff to the lower California crossing then opposite the present Big Spring. It then followed the Julesburg route, reaching the North fork near Court House Rock, via Lodge Pole creek and Thirty-mile ridge. On occasion remarkably quick time was made by the Express. For example, a copy of President Lincoln's first inaugural address went from St. Joseph to Sacramento, approximately two thousand miles, in seven days and seventeen hours, and the distance between St. Joseph and Denver, six hundred and sixty-five miles, was covered on this trip in sixty-nine hours.



MOSES H. SYDENHAM[1]
PIONEER OF WESTERN NEBRASKA

The Missouri and Western Telegraph Company completed the first telegraph line from Brownville by way of Omaha to Ft. Kearney in November, 1860, and the storeroom of Mr. Moses H. Sydenham, who still survives, a resident of Kearney, was used for

[1]Moses Henry Sydenham, pioneer, Kearney, was born May 30, 1835, in London, England. He received but little school education, as he was compelled, when very young, to aid in the support of his widowed mother, but all his life he has devoted his leisure time to reading and study. When eighteen years of age he came to America, worked a while in New York City, and then found employment as a seaman. Leaving the sea, he spent a short time in Augusta, Georgia; went to Kansas City, Missouri, in the fall of 1856, where he accepted employment with Russells, Majors & Waddell to go with one of their freight trains to Ft. Laramie. Upon the return of the train he stopped at Ft. Kearney in the winter of 1856–57, and became a clerk in a general store. He also took charge of the post-office under John Heth, who was post sutler. In 1858 Mr. Sydenham was commissioned postmaster, and held the office for about fifteen years, or until the old fort was abandoned in 1871. He was then made postmaster at Kearney City, a station two miles west of the fort, and held the office there until 1878. In 1868 he was nominated for the state senate but was defeated. Two years later he was a delegate from Kearney and Buffalo counties to the republican district convention held at Lone Tree (now Central City). In 1878 he was appointed route agent on the Union Pacific railroad and continued in the service until 1894. He published the Kearney *Herald* in 1862, and in 1870 started the *Central Star* in support of his plan to make Ft. Kearney the capital of the United States. As a writer he has contributed much to the advertising of Nebraska's resources and possibilities. He was married September 17, 1866, at Mt. Pleasant, Iowa, to Miss H. Electa Atwood.

E. D. Creighton

the first office. This line was continued on to Julesburg by the same company, while Mr. Edward Creighton built the line west from that point to Salt Lake City, where it met the one coming east from San Francisco.[1]

The first mail from the east to the Pike's Peak gold mines was established between Ft. Kearney and Denver in August, 1860. Ft. Kearney was a very important point on the great Overland route, since there was the junction of travel from Kansas City, Atchison, and St. Joseph on the southeast, and from Omaha, Council Bluffs, and Nebraska City on the east.

"Fort Kearney, in 1863, was a rather lonesome but a prominent point. It was a place of a dozen or more buildings including the barracks, and was established by the government in 1849. Here it was that the stages, ox, and mule trains west from Atchison, Omaha, and Nebraska City came to the first telegraph station on the great military highway. It was a grand sight after traveling one hundred and fifty miles without seeing a settlement of more than two or three houses to gaze upon the old post, uninviting as it was, and see the few scattering buildings, a nice growth of shade trees, the cavalry men mounted upon their steeds, the cannon planted in the hollow square, and the glorious stars and stripes proudly waving in the breeze above the garrison. The stage station—just west of the military post—was a long, one-story log building and it was an important one; for here the western stage routes from Omaha and Nebraska City terminated, and its passengers from thence westward had to be transferred to Ben Holladay's old reliable Overland line."[2]

Though there was some steamboat traffic on the lower Missouri river before 1830, the American Fur Company, under the control of John Jacob Astor and his son, William B. Astor, with headquarters at New York and a branch house at St. Louis, prepared for the first regular navigation, extending to the upper river, in that year. The company built the steamer Yellowstone, so named, doubtless, because its farthest objective point was to be the mouth of the Yellowstone river. But on the first trip, in the spring of 1831, it was impracticable to go farther than Ft. Tecumseh, opposite the present city of Pierre. The following spring the Yellowstone reached Ft. Union, and this first trip established the practicability of upper river steamboat navigation. Ft. Benton soon came to be regarded as the head of navigation and retained that advantageous distinction as long as river navigation lasted. Missouri river steamboat traffic was largely cut off when the Northern Pacific railway reached Bismarck in 1873, and it was virtually abandoned when other railroads reached the river at Pierre in 1880 and at Chamberlain in 1881. It is probable that the last through commercial trip was made in 1878, and that the Missouri made the last trip for any purpose from St. Louis to Ft. Benton in 1885. Though carried on for forty years with great difficulty, owing to the notoriously shifty and snaggy character of the stream, this navigation was the chief medium of freight and passenger traffic between the East and the western plains, and was the right arm of the forces which began the structure of civilized society in Nebraska and of the first transcontinental railway whose beginning was also in Nebraska. Whether this greatest but ugliest—in temper as well as appearance—of all our great rivers will ever again be utilized for navigation depends upon the unsettled economic question whether future mechanical inventions and improvements shall constitute or reestablish it as a practicable rival or coadjutor of the railway. At the present time the chances do not encourage expensive experiment upon the river to fit it

[1] Under date of March 17, 1904, Robert C. Clowry, president of the Western Union Telegraph Company, gives the following account of the construction of the first telegraph line through Nebraska: "The Missouri and Western Telegraph Company, Charles M. Stebbins, president, Robert C. Clowry, superintendent, and H. M. Porter, foreman of construction, built the line all the way from Brownville to Julesburg [by way of Omaha]. Edward Creighton commenced work at Julesburg and built to Salt Lake City. When the line was completed, Edward Creighton was appointed superintendent of the whole line from Brownville to Salt Lake City. Omaha contributed $5,000 toward the construction of the line. Augustus Kountze assisted me in securing this subscription and collecting it when the line was completed. Edward Creighton had a nominal connection with the Missouri and Western Telegraph Company. The line was completed from Brownville to Omaha September 10, 1860, and was extended from there to Julesburg the next year. The contract provided that when the line was completed to the Pacific Coast it was to be known as the Pacific Telegraph Company from Brownville west."

[2] The Overland Stage to California, p. 204.

for navigation, and in 1902 Congress abolished the useless and sinecure Missouri river commission. But it is not improbable that this vast body of water will eventually be used for the irrigation of enormous areas of arid and semiarid but otherwise exceedingly rich agricultural lands. Engineering authority in support of this view is not wanting.[1] Until the introduction of steamboats the river traffic of the fur companies was carried on by keel boats. They were usually from sixty to seventy feet in length, and, with the exception of about twelve feet at either end, were occupied by an enclosed apartment in the shape of a long box in which the cargo was placed. The boats were ordinarily propelled by a cordelle, a rope about three hundred yards long, one end being attached to a tall mast, while the other was in the hands of from one to two score men who traveled along the shore of the river and hauled the boat after them. When the wind was at all favorable a large sail was also used, and frequently the boat would make good progress against the current by the force of the wind alone. Poles and oars were used also as emergency required. It is not remarkable that by this clumsy and fearfully laborious method the ordinary voyage of the keel boat from St. Louis to the upper river was not accomplished in less than four or five months. The mackinaw was somewhat smaller than the keel boat and of comparatively temporary construction. It was propelled by four oarsmen, but was used only in down-stream trips. The frame of the bull boat, which was used on the shallow tributaries of the Missouri, was built of willow saplings lashed together with raw-hide and covered with hides of bull buffaloes, which gave it its name. This craft was buoyant and flexible and well adapted for the sandy shallows of the Platte and others of the smaller rivers.

OLD TRADING POST, BELLEVUE, IN 1854[2] (From painting by S. W. Y. Schymonsky)

Bellevue was an important point in the later fur trading days, because, being the site of an Indian agency, boats passing up the river were subjected to a rigid inspection to see that they had on board no intoxicating liquors which it was unlawful to carry into the "Indian country."[3]

[1] Capt. H. M. Chittenden, in charge of the government improvement of the banks of the Missouri, referring to the irrigation act lately passed by Congress, says: "This policy will eventually result in an extensive use of the waters of the Missouri in irrigation. Then the new and greater history of the Missouri river will begin."—(Early Steamboat Navigation on the Missouri River, p. 448.)

[2] These were the original buildings of the American Fur Company, and were in use by Peter A. Sarpy in 1854. They were located a half-mile north of the present Burlington station at Bellevue, and half way between the bluff and the river, or about ten rods from each.—(Recollections of Henry T. Clarke.)

[3] The famous steamboat captain and pilot, Joseph La Barge, relates a story of how the inspector was out-

The cargoes of the boats in the earlier river navigation consisted of merchandise for Indian trading, outfits for trappers and hunters, and stores for the military posts; and in addition passengers of all sorts and conditions. Captain Joseph La Barge was the principal figure among the Missouri steamboat captains and pilots, and he characterized and distinguished his class just as Kit Carson and our own "Buffalo Bill" and others illustrated the great qualities and achievements of the scouts of the plains. He was born in 1815 of a French Canadian father and a Spanish-French mother. At the age of seventeen he entered the service of the American Fur Company at Cabanné's post. In the spring of 1833 he conducted a fleet of Mackinaw boats from that post to St. Louis. He was also

witted on the trip of the steamboat Omega, of which he was pilot, in the spring of 1843:

"It was about this time that the Indian Department tried the experiment of assigning clergymen to the agencies—an example of good intentions but bad judgment. These new agents showed more zeal than discretion in their work, and although they put the traders to a great deal of trouble, it is doubtful if they lessened by a single drop the amount of liquor carried into the country.

"On the occasion of the voyage of 1843 the agent at Bellevue happened to be absent from his station when the boat arrived. Elated at this unexpected good fortune, Captain Sire lost no time in putting off the freight destined for this point and in getting on his way. He pursued his voyage until 9 o'clock that evening, and doubtless felicitated himself that he was out of danger. But it appears that the agent had delegated the function of inspector during his absence to the commander of the United States troops in the vicinity. The boat left her mooring at daylight next morning, but had scarcely gotten under way when a couple of rifle shots were fired across her bow. She brought to at once and made for the shore. There Captain Sire found a lieutenant in charge of a few dragoons, who had come from his camp four miles distant. The young officer came on board and presented to Captain Sire a polite note from Captain Burgwin, commander of the camp, stating that his orders required him to inspect the boat before letting her proceed.

"This was like a dash of cold water to the buoyant spirits of Captain Sire, and none the less so to Audubon, to whom, as well as to the company, the loss of the liquid portion of the cargo would have been irreparable. The naturalist had a permit from the government to carry with him a quantity of liquor for the use of himself and party, and upon showing his credentials to the young officer he was, to use his own words, 'immediately settled comfortably.' But in the moment of his good fortune he did not forget his companions who were not yet 'settled comfortably.' He understood that time was required to prepare for the approaching function, and he could at least help to secure this time by delaying inspection as long as possible. He accordingly expressed a desire to visit the camp, and the lieutenant detailed a dragoon to accompany him. The great naturalist rode four miles to call upon an obscure army officer whom he knew he could see in a short time by waiting at the boat. The officer was overwhelmed at the honor of the visit, and when Audubon offered to present his credentials he politely and gallantly replied that his name was too well known throughout the United States to require any letters. Audubon says of the occasion: 'I was on excellent and friendly terms in less time than it has taken me to write this account of our meeting.' Between his entertaining conversation and the shooting of some birds he contrived to detain the Captain for a good two hours before they returned to the boat.

"The time had not been wasted by Captain Sire and his loyal crew. The shallow hold of the steamboat of those days was divided lengthwise into two compartments by a partition or bulkhead running the full length of the boat. A narrow-gauge tramway extended down each side of the hold its entire length, the two sides connecting with each other by a curve which passed under the hatchway in the forecastle. Small cars received the cargo let down through the hatchway, and carried it to its place in the hold or brought it out again when the boat was being unloaded. A car could pass from the stern of the boat on one side of the hold around the curve in the bow and to the stern of the boat on the other side. There being no windows in the hold, everything was buried in blackness a few feet from the hatchway. Workmen were lighted to their labors by means of candles.

"During the absence of Audubon the crew had loaded all the liquor upon the cars, and had run them down on one side of the hold far enough from the hatchway to be entirely concealed in the darkness. They were carefully instructed in the part they had to play in the approaching comedy, and very likely were put through a preliminary rehearsal or two.

"When Captain Burgwin arrived in Audubon's company, he was received most hospitably and treated to a luncheon, in which was included, as a matter of course, a generous portion from the private store embraced in Audubon's 'credentials.' By this time the young Captain was in most excellent temper and was quite disposed to forego the inspection altogether. But the virtuous Sire would not have it so. 'I insisted, as it were,' says the worthy navigator in his log of May 10, 'that he make the strictest possible search, but upon the condition that he would do the same with other traders.'

"A proposition so eminently fair was at once agreed to by the inspector, whose mellow faculties were now in a most accommodating condition. The shrewd steamboat master, who never forgot to be sober when his company's interests were at stake, escorted the officer down the hatchway, and together they groped their way along the hold by the light of a not too brilliant candle. It may be imagined with what zeal the scrupulous Captain thrust the ineffectual flame into every nook and corner, and even insisted that the inspector move a box or bale now and then to assure himself that everything was all right.

"Arrived at the foot of the hold, they passed through an opening and started back on the other side. The officer was doubtless too much absorbed with the effects of his recent collation to notice the glimmer of light under the hatchway at the other end of the boat, where a miniature train with its suspicious cargo was creeping stealthily around the curve and disappearing toward the side which they had just left. The party finished their inspection, and everything was found quite as it should be. With many protestations of good will the clever host and their delighted guest parted company, and the good Captain Sire went on

employed by Major Pilcher, Cabanné's successor, and in 1834 by Peter A. Sarpy. Soon after this he began his career as pilot and captain of various steamboats on the Missouri—mainly on the upper river—which lasted till 1879. He died at St. Louis in 1899. La Barge named a steamboat built in 1854 and used on the Missouri river for the American Fur Company's trade, St. Mary, after Peter A. Sarpy's post situated just below Bellevue on the Iowa side of the river.

On the 7th of June, 1851, Father De Smet, accompanied by Father Christian Hoecken, took passage on the steamer St. Ange from St. Louis to Ft. Union, which was about three miles above the mouth of the Yellowstone, on the northern side. Several members of the American Fur Company with about eighty men were on the boat. "They," said the missionary, "went in quest of earthly wealth; Father Hoecken and I in search of heavenly treasures—to the conquest of souls." It had been a season of mighty floods, and the valleys of the Mississippi and Missouri were covered with water. The travelers were afflicted with malarial diseases in various forms, and about five hundred miles above St. Louis they were attacked by cholera, from which Father Hoecken died, after heroically ministering to the needs of his stricken fellow-passengers. "A decent coffin, very thick, and tarred within, was prepared to receive his mortal remains; a temporary grave was dug in a beautiful forest, in the vicinity of the mouth of the Little Sioux, and the funeral was performed with all the ceremonies of the church, in the evening of the 19th of June, all on board assisting." On the return of the boat in about a month the coffin was exhumed and carried back to Florissant for burial.[1]

---

his way rejoicing. But woe to the luckless craft of some rival trader which should happen along with no Audubon in the cabin and no tramway in the hold." —(Early Steamboat Navigation on the Missouri River, pp. 143-48.)

On their voyage with the Nimrod, in 1845, the same pilot and captain had a similar experience at Bellevue:

"The new Indian agent at Bellevue was an ex-Methodist minister of the name of Joseph Miller—as zealous in his new rôle of liquor inspector as he had ever been in the regular practice of his profession. It was his boast that no liquor could pass his agency. He rummaged every boat from stem to stern, broke open the packages, overturned the piles of merchandise, and with a long, slender, pointed rod pierced the bales of blankets and clothing, lest kegs of alcohol might be rolled up within. The persistent clergyman put the experienced agents of the company to their wit's ends, and it was with great difficulty that they succeeded in eluding his scrutiny.

"The urgency of the problem, however, produced its own solution. Captain Sire had the alcohol all packed in barrels of flour. But he knew that even this device would not alone be enough, for the energetic agent would very likely have the barrels burst open. The Captain therefore had them all marked as if consigned to Peter A. Sarpy, the company's agent at Bellevue, and they were labeled in large letters 'P. A. S.' The moment the nose of the boat touched the landing at Bellevue, the captain, as was his custom, ordered the freight for that point placed on shore, and the barrels were promptly bowled out upon the bank and carried into the warehouse. The agent, never suspecting this freight, went on board, and after a most rigid search, found nothing wrong. The boat was permitted to proceed, but, contrary to its usual haste in getting away as soon as the loading and unloading were complete, it remained the rest of the day, and gave out that it would not sail until the following morning. The extraordinarily good character of the boat on this occasion, and the unusually long delay in departing, roused the suspicion of the agent, who stationed a man to watch the boat and to whistle if he saw anything wrong.

"Everything remained quiet until some time after midnight, except that a full head of steam was kept up in the boilers. Presently there was great activity on the boat, although with an ominous silence about it all. The pilot, Captain La Barge, was quietly engineering the reloading of the barrels. He had spread tarpaulins on the deck and gang plank to deaden the noise, and the full crew of the boat were hurrying the barrels back in a most lively fashion. 'What does this mean?' one of the deckhands asked of another. 'We unloaded these barrels yesterday.' 'Why, don't you see?' was the brilliant reply of another, 'they're marked "P. A. S."; they've got to pass.'

"The work was quickly over and every barrel was on board, when the agent's sleepy guard awoke to the fact that something was going on. He uttered his signal, and the agent made haste to turn out and see what was the matter. La Barge and Captain Sire, who knew full well what the whistle meant, did not linger to make explanations. Captain La Barge seized an ax and cut the line. 'Get aboard, men!' he shouted; 'the line has parted;' The boat instantly dropped back into the current and then stood out into the river under her own steam. She was already out of reach of the bank when the reverend inspector appeared and wanted to know why they were off so early. It was about 3 A.M. 'Oh, the line parted,' replied Captain La Barge, 'and it was so near time to start that it was not worth while to tie up again.'

"This was a little too much for the agent, who could not understand how it happened that the boat was so thoroughly prepared for such an accident, with steam up, pilot at the wheel, crew at their places, and all at so early an hour. Next day he found that the barrels consigned to Sarpy were gone, and saw how completely he had been duped. Mortified and indignant, he reported the company to the authorities, and a long train of difficulties ensued, with ineffectual threats of canceling the company's license."—(Ibid., pp. 156-59.)

[1] Western Missions and Missionaries, p. 66.

The annals of the times credit these noble priests with characteristic incessant devotion to their suffering fellow-passengers.

"In the year 1858 there were 59 steamboats on the lower river and 306 steamboat arrivals at the port of Leavenworth, Kan. The freight charges paid at that point during the season amounted to $166,941.35. In 1859 the steamboat advertisements in the St. Louis papers showed that more vessels left that port for the Missouri River than for both the upper and lower Mississippi. In 1857 there were 28 steamboat arrivals at the new village of Sioux City before July 1. There were 23 regular boats on that part of the river, and their freight tonnage for the season was valued at $1,250,000. The period from 1855 to 1860 was the golden era of steamboating on the Missouri river. It was the period just before the advent of the railroads. No other period before or after approached it in the splendor of the boats. All the boats were sidewheelers, had full-length cabins, and were fitted up more for passengers than for freight. It was an era of fast boats and of racing."[1]

PETER J. DE SMET, S. J.[4]

The provisions for the establishment of public roads are recited in the account of the proceedings of the several territorial legislatures; and account is also given of the building of territorial roads by appropriations of the federal Congress. The means of transportation and the amount and condition of travel in the territorial years before the completion of the Union Pacific railway are indicated in an interesting manner in the contemporary newspapers. In a report of a committee of the first council of the territorial legislature,[2] on a bill chartering the Platte Valley & Pacific railroad company, it is stated that nine-tenths of the travel to the Pacific Coast passes along the Platte valley—from St. Louis by water to Independence, Weston, St. Joe, Council Bluffs, and occasionally Sergeant's Bluff, "and uniting at these points with those who come by land from the east, converge in the Platte valley at various points within two hundred miles, a little north of a due west line from Omaha, Belleview, and Florence." This report recites, also, that "thirty years ago Col. Leavenworth, who then commanded the post in sight of this locality (Ft. Atkinson), called the attention of our government to the importance, practicability, and expediency of constructing a railroad by way of the Platte valley to the Pacific."

Acting Governor Cuming in his message to the legislature, December 9, 1857,[3] states that,

[1] Early Steamboat Navigation on the Missouri River, p. 217.

[2] See Council Journal, p. 65.

[3] See Council Journal, p. 17.

[4] Peter J. De Smet, S. J., Catholic missionary, was born in Termonde, Belgium, January 31, 1801. At an early age he entered the Society of Jesus, and in 1820 was sent to America to work in the mission fields. He served in Missouri and Kansas for some time, and in 1829 became connected with the University of St. Louis. On account of failing health he returned to his native land in 1832. He again came to the United States in 1837, and in 1838 began work among the Pottawattomies, with headquarters on the east side of the Missouri river, opposite the present site of Omaha, where he remained two years. April 5, 1840, he left St. Louis for the West, joining at Westport the annual expedition of the American Fur Company. June 30 his caravan was met by ten Flathead warriors and conducted to the headquarters of that tribe on the Green river in Wyoming. The following Sunday, July 5, he celebrated mass before a crowd of Indians, whites, fur traders, hunters, and trappers. Here his first permanent mission was established and his greatest work accomplished. He was known as "Black Robe" among the Indians by whom he was almost idolized. He was highly regarded by the whites with whom he came in contact, and was greatly trusted by the government. Father De Smet was in and out of Nebraska for many years, and his memory will long be cherished, not only in this state, but throughout the great West. He rode thousands of miles on horseback during his missionary work, and the whole territory of the new Northwest was clearly mapped out in his mind. He died May 23, 1873, in St. Louis, Missouri, and was buried there.

"The United States wagon road from the Platte river via the Omaha reserve to the Running Water, under the direction of Col. Geo. Sites, has been constructed for a distance of one hundred and three miles, including thirty-nine bridges;" and he gives the names of the streams crossed by these bridges and the length of each bridge. Mr. J. M. Woolworth, in his little book, "Nebraska in 1857," notes that, "A year ago Congress established a military road from this place to New Ft. Kearney and appropriated $50,000 for its construction. That work is nearly complete, and runs up the valley of the Platte through all the principal settlements west of this." The territorial legislature[1] memorialized Congress to grant to John A. Latta, of Plattsmouth, 20,000 acres of land in the valley of the Platte river, on condition that before October 1, 1861, he "shall place on said river a good and substantial steamboat and run the same between the mouth of said Platte river" and Ft. Kearney, and do all necessary dredging, "knowing that there is a sufficient volume of water in said river which is a thousand miles in length." This visionary memorial sets out that the proposed method of navigation would be advantageous for government transportation among other things. In a joint resolution and memorial to Congress, the 5th legislature, in urging the bridging of the Platte river, states that "a military or a public road beginning at L'eau-qui-court and extending southward across the territory, has been located and opened under the direction of the national government, and has become a great thoroughfare, whereon military supplies may be expeditiously transported northward. It also affords an avenue of trade of great advantage and is now one of the prominent mail routes to the inhabitants of this territory and others, in said territory."[2] The governor's message to the 7th legislature[3] urges that "without a bridge over the Loup Fork the government road up the Platte valley is but a work half done." The governor's message to the 12th—and last—territorial legislature[4] again urges the building of a bridge across the Platte river; and the same document[5] informs us that "now four regular trains run daily between Omaha and North Platte, 293½ miles, and that the track is complete for 305 miles, 240 miles of roadbed having been constructed and 262 miles of track laid during the past season; also that there is a Howe truss bridge, 1,505 feet, across the Loup Fork and a pile bridge, 2,640 feet, across the North Fork."

The *Herald* of July 13, 1866, gives an account of the excursion of the members of the legislature to the end of the Union Pacific road beyond Columbus. The excursionists took dinner at that place, and at the after-dinner ceremonies Andrew J. Poppleton presided and Dr. Thomas C. Durant, General Hazen, George Francis Train, Governor David Butler, Thomas W. Tipton, John M. Thayer, and the ubiquitous Colonel Presson, then chaplain of the territorial house of representatives, made speeches. It is suggestive of the relations of the Union Pacific corporation to politics for many years afterwards that the speaking list at this banquet comprised most of the well-known republican, and some of the democratic politicians of the territory. The *Herald* of June 22, 1866, notes that George Francis Train had just made the quickest trip on record from Omaha to New York, via St. Joe, in eighty-nine hours. The same trip is now made in forty-two hours. The Nebraskan of to-day, however, is not proportionately faster than his pioneer predecessor in other phases of his daily life. In May, 1867, passengers went from Chicago to Denver in five days—by rail over the Chicago and Northwestern and the Union Pacific roads to North Platte and thence by Wells, Fargo & Co.'s mail and express line.

A striking illustration of economic conditions on our western frontier is afforded by a statement in the Nebraska City *News*[6] that at Ft. Kearney the price of corn is $3.50 and $4 a bushel, and from $3 to $4 a bushel a hun-

[1] Laws of Nebraska, 6th Ter. Sess., p. 219.
[2] Laws of Nebraska, 5th Ter. Ses., p. 412.
[3] House Journal, p. 21.
[4] Council Journal, p. 14.
[5] Ibid., p. 15.
[6] November 13, 1858.

dred miles west of Nebraska City. Illustration of the feeling of desert-like isolation in the territory as late as 1859 is found in Omaha correspondence of the *Advertiser*[1] which notices the arrival of the Florida, the first steamer of the season, "amid the shouts and cheers of the multitude, and the booming of cannon under the charge of Capt. Ladd's artillery squad. It is the earliest landing made in this vicinity for many years." The *Advertiser* of March 3, 1859, says that the completion of the Hannibal & St. Joseph railroad was celebrated at the place last named on the 23d inst. on a grand scale. "The completion of this road will take a surprising amount of emigration off the river which will be poured out opposite southern Nebraska and northern Kansas and speedily work its way into these portions of the two territories." The Nebraska City *News*[2] rejoices that a depot of federal military supplies has been established at that place; and May 29, following, the *News* wagers that three times more freight and passengers have been landed at the Nebraska City wharf this season than at any other town. The *News* of May 21, 1859, says Alexander Majors estimates that from four hundred to six hundred wagons would be sent out from Nebraska City that season, and about as many from Leavenworth.

The *Advertiser*[3] says that, "The little boat built for the purpose of navigating the Platte river passed here going up on Sunday morning. It was a little one-horse affair, and will not, in our opinion, amount to much. If the Platte river is to be rendered navigable, and we believe it can, it requires a boat sufficiently large to slash around and stir up the sand, that a channel may be formed by washing." The Omaha *Nebraskian*[4] notes that forty boats will navigate the Missouri river the coming season—two will run daily between Liberty and St. Joseph, and three daily between St. Joseph and Omaha, all in conjunction with the Hannibal and St. Joe railroad. On the 11th of August following the same paper notes that the Kearney stage made a quick trip to Omaha in thirty-three hours, carrying six passengers. On the 25th of the same month the *Nebraskian* announces that Colonel Miles had chosen Omaha City as the place of debarkation and reshipping his supplies to Ft. Kearney.

At the height of travel to the newly discovered gold mines in the vicinity of Denver there was sharp rivalry between Nebraska City and Omaha and other minor starting places, such as Brownville and Plattsmouth. As early as 1854 the Omaha *Arrow*,[5] with a wish no doubt aiding the thought, insists that Omaha has "the great advantage of being on a shorter line by many miles than any other crossing below this from Chicago to the north bend of the Platte, and the south, or Bridger's Pass, and the crossing of the Missouri river is as good, to say the least of it, at this point as at any other in a hundred miles above the mouth of the Platte." The Nebraska City *News*[6] takes a traveler's guide to task for stating that the route from Plattsmouth is direct, when Ft. Kearney is in fact forty miles south of a line west from that starting point and half a mile south of Nebraska City. It is observed in the item that no government train had ever gone out from Plattsmouth, all traffic of this kind starting from Nebraska City because it was the military depot.

The *News* of April 28, 1860, tells of a new route to the mines, by way of Olathe, on Salt creek, which shortens the distance by fifty to seventy-five miles. June 30 the *News* says that Cadman's, Goodwin's,[7] and Davison's,[8] on Salt creek, and Vifquain's on the Blue are good farms for entertainment on the new straight road to Kearney. The place on the Blue referred to was for many years subsequently the farmstead of Gen. Victor Vifquain, and Cadman's was John Cadman's homestead. The *News* of July 28, illustrating the extensive freighting business at Nebraska City, says

[1] March 17.
[2] February 27, 1858.
[3] May 12, 1859.
[4] February 18, 1860.
[5] August 4.
[6] April 21, 1860.
[7] James Goodwin located on Salt creek in the spring of 1857.
[8] James L. Davison, pioneer of 1857.

that Hawke, Nuckolls & Co. sent in a train of twenty wagons from the mines for supplies. On the 24th of November the same paper gives a statement of Alexander Majors's freighting business to Utah, the western forts, and Pike's Peak, from April 25 to October 13, 1860:

| | |
|---|---|
| Pounds transported | 2,782,258 |
| Oxen used | 5,687 |
| Wagons used | 515 |
| Mules used | 72 |
| Men employed | 602 |

At that time Hawke & Nuckolls were, next to Majors, the heaviest freighters. The *News* of December 22, 1860, gives the following itinerary of the freight route from Nebraska City: To Little Nemaha, 9 miles, good bridge across the Nemaha; Nemaha to Brownell creek, 10 miles, good ford; to north branch of Nemaha, 6 miles, good crossing, plenty of good water; to Buck's Bend, 5 miles, a rock ford on the Nemaha; to Salt creek, 20 miles — bridge begun — large steam saw and grist mill; to junction of the old road, 3 miles; to the Blue, 25 miles, bridge absolutely necessary, impossible for heavy teams to cross; Blue to Dry Run, 20 miles, never failing spring of water; Dry Run to a spring, 20 miles; to the junction of Leavenworth road, 60 miles; total, 178 miles.

STEPHEN F. NUCKOLLS[3]

The same paper[1] contains a map of the route from Nebraska City to Ft. Kearney, giving distances from point to point, making a total of 169½ miles, as follows: from Nebraska City to North fork of Little Nemaha, 6½ miles; up Little Nemaha to Brownell creek, 7 miles; to Little Nemaha, 4 miles; to the head of Little Nemaha, 21 miles; to Salt creek, 11 miles; to east fork Big Blue, 17 miles; to a grove of timber, 17 miles; to head of Big Blue river, 50 miles; to Platte river, 17 miles; to Ft. Kearney, 19 miles.

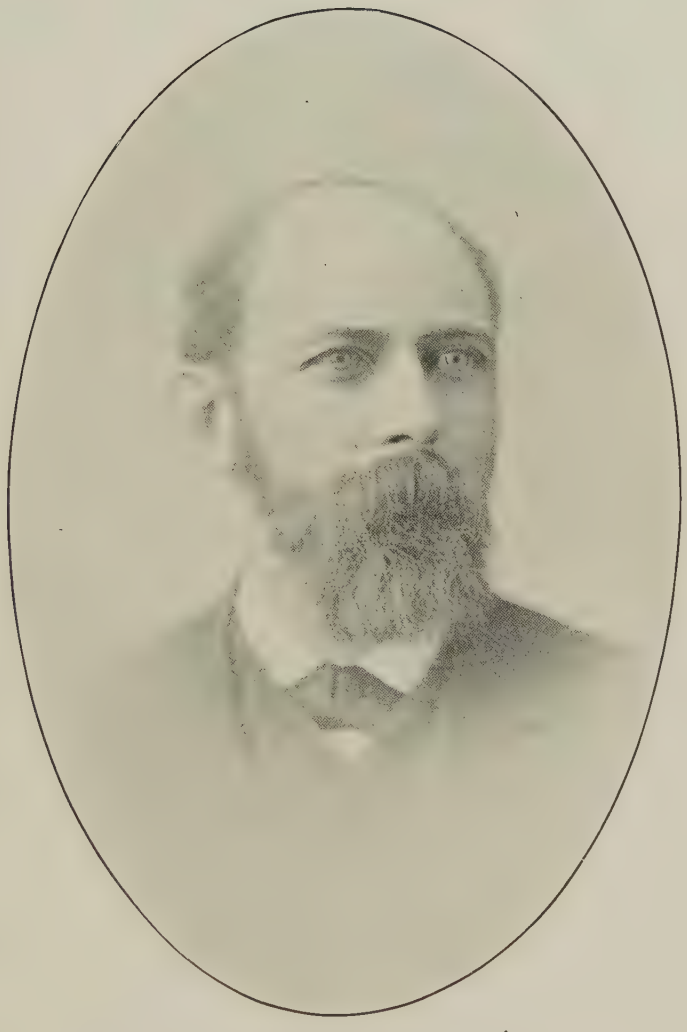
The Nebraska City *News*[2] gives the following account of a contract just made between the authorities of the United States army and Russell, Majors & Waddell:

"The contract amounts to $1,700,000. Five thousand tons of government supplies and stores are now preparing for shipment to this place to be conveyed hence in ox wagons, up the valley of the Platte and across the mountains to Utah. To move this immense mass will require two thousand heavy wagons, twenty hundred ox drivers and train masters, and from eighteen to twenty thousand oxen,

[1] April 28, 1860.

[2] March 27, 1858.

[3] Stephen F. Nuckolls, pioneer and founder of Nebraska City, was born in Grayson county, Virginia, August 6, 1825. He received a good academical education, and in November, 1847, entered the mercantile business at Linden, Atchison county, Missouri. He remained there six years, but established branch stores at several other points in Missouri and Iowa. In April, 1854, he crossed the river to old Ft. Kearney and began laying out the town site of Nebraska City. He was president of the Nebraska City Town Company and one of the leading promoters of that place. The first brick house, built on the corner of Fifth and Main streets, was erected by Mr. Nuckolls in 1854, and during the same year he also erected the first saw mill. He established the Platte Valley Bank, the first bank organized in the territory, and was elected its president. This was the only one of all the so-called wildcat banks of Nebraska that survived the panic of 1857 and paid its obligations in full. In 1859 he was a member of the school board; and he was chairman of the board of managers of the first territorial fair held at Nebraska City in September, 1859. The same year he was elected from Otoe county as a member of the lower house of the territorial legislature. His brother, Lafayette Nuckolls, had served as a member from Cass county in the first session. In 1859, in company with Robert Hawke, he established the principal outfitting point west of the Missouri river, and the following year they located a branch house at Central City, Colorado, under the direction of Mr.



O. N. Humphrey

Pioneer freighter. For biography see p. 680.

FREIGHTING SCENES FROM PHOTOGRAPHS

The lower view represents the freighting train known as "Bull of the Woods," owned by Alexander and James Carlisle. From a photograph taken on Main street, Nebraska City, looking east from 6th St., and loaned by Mr. O. C. Morton. This train consisted of twenty-five wagons with six mules to each wagon, and was considered one of the finest outfits known to freighters.

and in one continuous column will present a length of forty miles. Mr. Majors, one of the government contractors for transporting this freight, has taken up his residence in this city, and of course will prove an inestimable addition to its society, both socially, morally, and in a business point of view. The capacious wharf, built specially to receive this freight, is nearly completed, and when finished will be one of the very best on the river."

In view of this great commercial boon and boom a public meeting of citizens of Nebraska City was held on the 25th of February at which resolutions were adopted pledging it by the written obligation of "the mayors of the three cities"—presumably Nebraska City proper, South Nebraska City, and Kearney City—in the sum of $100,000, that the levee should be finished by the opening of navigation, and that a committee of thirteen should be appointed to carry out the resolution that "the business of dram selling is demoralizing, illegal, and a public nuisance, and we heartily approve of the condition imposed of their suppression."[1] The committee of thirteen were pledged "to take immediate and efficient measures to abate the nuisances, wherever they arise in this locality, and to maintain the law in our community by moral suasion if possible and that failing by every other lawful and honorable means."

In glorification over this contract, the same paper, of February 27, 1858, announces that in the coming months of April, May, June, and July two thousand wagons, hauled by sixteen thousand cattle,[2] hitched up with two acres of ox yokes and driven by two thousand ox drivers would start across the plains. The item promises to the citizens a season of grand opera, when "Bellows Falls, or the Glory of a Bovine Jehu" would be presented nightly.

The Nebraska City *News*[3] leaves in unexplained ambiguity the question whether the advantage of the Nebraska City over the Leavenworth route lay in distance or in the superiority of oxen over mules: "The ox trains leaving Nebraska City in May reached Fort Kearney, unloaded and made four days travel back toward Nebraska City when they met mule trains from Leavenworth that left there in April."

A curious illustration of the dependence of the people upon even impracticable water transportation as late as 1858 is afforded by a statement in the *Advertiser*[4] that a small steamboat had ascended the Big Nemaha as far as Falls City—twenty-five miles—coupled with the remark that, "this can not fail to prove gratifying to the enterprising citizens of this flourishing and prosperous young city."

The mode of taking pleasure trips, as well as that of commercial transportation, in those ante-railroad days is illustrated in an article puffing the steamer Wautossa which appeared in the Omaha *Times*, June 17, 1858: "The Wautossa arrived here 'up to time' on Sunday morning last. Captain Morrison finding, at our levee and at other landings near here, a large quantity of freight, awaiting shipment for points above, consented to extend this trip to Sioux City. The Wautossa departed for Sioux City on Tuesday morning, having on board pleasure parties from Nebraska City, Council Bluffs, and Omaha. A band of music accompanied the party. The trip can not fail of being a pleasant one to all on board."

Nuckolls. He was one of the first to erect a quartz mill at this point and became largely interested in mining. From 1864 to 1867 he resided in New York, where he engaged in mining speculations, accumulating a large fortune. After the completion of the Union Pacific railroad, in 1867, he engaged extensively in the sale of merchandise at Cheyenne; and when Wyoming was organized, in 1869, Mr. Nuckolls was elected on the democratic ticket as delegate from the territory to the 41st Congress. He was an ardent democrat, though a business man rather than a politician. He was the first to bring slaves into the territory of Nebraska, and his sympathies were with the slave-holding states during the Civil war. In 1871 he was elected a member of the 2d legislative council of Wyoming and was chosen to preside over that body. In 1872, and again in 1876, he was elected delegate to the national Democratic convention. In July, 1872, he removed from Cheyenne to Salt Lake City, where he died, February 14, 1879. Few men have done more than S. F. Nuckolls toward the development of the West, and in every community in which he lived he was a leading and enterprising citizen. He was a member of the Masonic order.

[1] These reforms were evidently required by Mr. Majors as a consideration for establishing headquarters for the business at Nebraska City. They were in consonance with the temperance rules he made for the employees of the firm.

[2] In the California and Oregon travel across the plains ox teams were usually preferred to any other.—(Bryant, p. 14.)

[3] June 12, 1858.

[4] June 24.

Travelers at this time report a great deal of gold on the road from the mines to Nebraska City. The *Nebraskian*[1] notes that two hundred miles of the route to the mines is over a military road, constructed by the federal government, and gives much space to glorifying that route and the importance of the gold fields. A panoramic view of the North Platte route ten thousand feet long was exhibited in Omaha as an advertisement. Cottonwood Springs in those days was counted "ten days from Omaha." May 23, 1860, the Omaha *Republican* reports that crossing Loup Fork at Columbus can be accomplished "in very few minutes." About four-fifths of the emigrants through Omaha cross the Platte at Shinn's ferry. The correspondent says that since leaving Ft Kearney there had not been less than fifty to one hundred teams in sight at any time. Residents estimated that two thousand five hundred to three thousand teams had already passed along this route that season, and, allowing about five persons to a team, he estimated that from ten thousand to fifteen thousand people had gone over that road to the mines during the spring in question. There were plenty of antelope and other kinds of game, but no buffalo were to be seen.

FERRY ACROSS THE ELKHORN RIVER

Twenty-three miles northwest of Omaha, 1854. Drawing by George Simons, whose uncle, Norton Simons, owned the Bellevue ferry. —(Courtesy Nathan P. Dodge, Council Bluffs, Iowa.)

The *Republican* of August 15, 1860, notes that many adventurous individuals are building boats at Denver for the purpose of navigating the Platte, and thereupon gives this sage counsel: "We would advise all that such an enterprise is attended with great difficulties, and often results in the total abandonment of the boat after many weeks of fruitless endeavor to reach the Missouri." The *Nebraskian*[2] says that not less than twenty Pike's Peak wagons pass its office daily, and thirty were counted one afternoon; and the same paper of April 28 says that teams are passing Ft. Kearney at the rate of two hundred a day. In the same issue there is a statement that the rate for freight from Omaha to Denver is $9 per hundred pounds, and that there is much of it lying at Omaha awaiting transportation. In this paper James E. Boyd & Co. advertise that they keep a general merchandise store and a stable capable of accommodating forty horses on the north side of the Platte river directly opposite Ft. Kearney, and the Genoa ferry is advertised to carry teams across the Loup Fork "at the town of Genoa, 18 miles west of Columbus, where there is a good crossing from bank to bank." O. P. Hurford also advertises a ferry over the same stream at Columbus. In this interesting issue of the *Nebraskian* we find also a notice of the organization of the Missouri & Western Telegraph company at St. Louis, of which Edward Creighton of Omaha was treasurer and Robt. C. Clowry of St. Louis secretary and superintendent.[3] It is announced that the company intends to construct a telegraph line to Omaha and Council Bluffs immediately, and to extend it westward to the Pike's Peak region.

The *News*[4] notes that the Messrs. Byram will send out two or three heavy trains a week to Pike's Peak guarded by thirty armed men.

[1] February 25, 1860.

[2] April 14, 1860.

[3] Charles M. Stebbins, of St. Louis, was president.

[4] May 25, 1861.

On the 9th of August, 1862, the *News* avows that the round trip to Denver from Nebraska City is two hundred miles shorter than from St. Joe or Leavenworth and fifty miles shorter than via Omaha. The following is a good illustration of the importance which the northern route from Omaha had assumed by the summer of 1859:

"The secretary of the Columbus Ferry Company at Loup Fork informs the Omaha *Nebraskian* that the emigration across the plains, up to June 25, was as follows: 1,807 wagons, 20 hand carts, 5,401 men, 424 women, 480 children, 1,610 horses, 406 mules, 6,010 oxen, and 6,000 sheep had crossed this ferry at that point. This statement includes no portion of the Mormon emigration but embraces merely California, Oregon and Pike's Peak emigrants and their stock, all going westward. The returning emigration cross at Shinn's Ferry, some fifteen miles below the confluence of the Loup Fork with the Platte. Many of the outward bound emigrants also crossed at the same point so that it is probable that not less than 4,000 wagons have passed over the military road westward from this city since the 20th of March."[1]

The *Advertiser*,[2] which at this time was fervently loyal, insisted that traffic should be diverted from Nebraska City as a punishment for disloyalty to the cause of the Union. The *Nebraskian*[3] avows that a traveler met seven hundred teams in one day between Loup Fork (Columbus) and the Elkhorn river. About five hundred of these would keep the north route and cross the Loup at Columbus; the other two hundred would cross the Platte by Shinn's ferry, "and take the tortuous route on the other side of the river." Another traveler reported that the whole region about Buffalo and Elm creeks is a valley of death, strewn white with buffalo bones over the whole width of the Platte bottom and fifty miles in length. The same paper, June 2, 1860, says that up to that time an average of thirty-five teams and three men to a team had crossed the Missouri river at Omaha on the way to the mines. The *Press*[4] of Nebraska City says:

"There are four principal routes to the gold mines: the Omaha route crosses the Papillion, the Elkhorn, and Loup Fork, three large and bad streams, and a great number of smaller ones, and the Platte, the worst river to ford in the West, and is six hundred miles long. The St. Joe and Leavenworth route crosses the Soldier, Grasshopper, Nemaha, Walnut, Big Blue, Sandy, Little Blue, and many other tributaries of the Kansas, at points where there are no bridges and are difficult to ford—distance, six hundred and fifty to seven hundred miles. The Kansas City route, up the Kansas and Arkansas rivers is a bad and difficult road. From Kansas City to the mouth of Cherry creek it is nine hundred miles. The Nebraska City route runs along the divide between the southern tributaries of the Platte and the northern tributaries of the Kansas and crosses but one stream of more than a few inches of water on the whole route. There are good timber, water, and grazing along the whole line. It is about five hundred miles—the road has not (nor have any) been measured, but we judge from the time of travel; ox teams have come from Auraria to Nebraska City in twenty-five days."

The *Huntsman's Echo*,[5] published at Wood River Center, Buffalo county, shows that our own heyday of monopoly of transportation is no new thing:

"The people of the Pike's Peak mining district, together with all concerned, and the rest of mankind, will be pleased to learn that after being swindled, gouged, imposed upon, and literally robbed in the matter of mail facilities and service by that arch-monopoly, Jones, Russell & Co., for near two years they are now provided by the department, at American rates, a mail from Omaha, by this place and Fort Kearney, once a week and back. The Western Stage Company, the most accommodating, punctual, and reliable in the mail service, has the contract and have already sent out one mail."

Query: Did this editor have a pass?

The Nebraska City *News*[6] notes that a daily mail line overland to California, via St. Joe, has recently been established. The *Press*,[7] of Nebraska City, quotes an item from the last *Nebraskian* stating that the telegraph line be-

[1] *Dakota City Herald*, August 13, 1859.
[2] October 19, 1865.
[3] May 19, 1860.
[4] February 3, 1860.
[5] September 13, 1860.
[6] May 4, 1861.
[7] November 1, 1860.

tween Omaha and Ft. Kearney has just been finished and that news by pony express will doubtless come from Kearney by wire in future.

The Nebraska City *News*[1] reports that grading is going on across the river for the Council Bluffs and St. Joe railway; and the same paper,[2] describing the Salt Lake traffic from Omaha, says that in two days over a month six hundred and thirty-two large government wagons, each carrying on an average five thousand pounds of freight to Colorado merchants at the mines, passed through Nebraska City. The *Nebraskian*[3] says that "five trains of sixty wagons each, loaded with freight and Mormon poor, have left for Salt Lake, and five more are to go, making six hundred wagons in all—the last to go this week. There are already two thousand emigrants on the plains and two thousand yet to leave." Freight on a cotton mill for Salt Lake had already cost $1,500 as far as Omaha.

In the spring of 1865 there was bitter complaint by the partisans of the Omaha route because travelers were not protected from the Indians. It was charged that anywhere between the mouth of the Elkhorn and the forks of the Platte the North Platte route was ignored by the military and was in a state of outlawry. After passing Ft. Kearney travelers north of the south fork were at the mercy of the Indians for a distance of two hundred miles. It was charged also that Brig.-Gen. P. E. Connor telegraphed on the 24th of May, 1865, to Capt. S. H. Morer at Omaha as follows: "Please notify all trains coming west that they must cross the Platte at Plattsmouth. They can not cross the Platte east of Laramie, and I have not the troops to escort them on the north side." The *Republican* at this time charges Morer, Colonel Livingston, and General Connor with favoritism for the Plattsmouth route. On the 27th of May, 1865, a meeting was held at Omaha for the purpose of raising a subscription of $50,000 for building a bridge across the Platte in the interest of the North Platte route, and among those on the subscription committee were Edward Creighton, Ezra Millard, and Dr. George L. Miller.

Representatives of the Burlington & Missouri River railroad company took a lively part in the protest against the change of the route of the Union Pacific railway to the southern, or ox-bow line; and on the 21st of December, 1866, Dr. Miller, in the Omaha *Herald*, assists J. Sterling Morton in his attack in the Nebraska City *News* on Secretary Harlan's decision that the Burlington company might go outside the twenty mile limit to locate its land grant. The *Herald* complains bitterly that to do so "withholds from occupation and sale three million acres of the best lands in Nebraska." The Burlington company objected to the Union Pacific's change of line because it lapped over its own land grant.

On the 25th of October, 1867, the *News* says that there is a tri-weekly stage from Nebraska City to Lincoln doing a large business—"the only regular line of stages from the Missouri river to Lincoln." The *Republican*[4] says:

"The Burlington & Missouri River railroad has been located as far west as a point opposite Plattsmouth, and surveys have been made from that place west with a view to a connection with the Union Pacific at, or not greatly beyond Columbus. The proposed extension of that line west of the Missouri river is to be in the valley of the Platte and Lincoln City has never been thought of as a point. Besides we venture the assertion that no intelligent man in Nebraska believes that the Burlington road will ever be built west of the Missouri river in any direction. It will seek a connection with the Union Pacific at Omaha, where it can compete on equal terms with the other roads running through Omaha, and will not be guilty of the folly of inviting the opposition of the Union Pacific by seeking to tap it at some point west of this city."

The only excuse for the *Republican's* prophetic blindness is consideration of the fact that its mistakes had a great deal of company of the same sort at that time. The *Republican* observes that the Chicago & Northwestern

[1] March 1, 1862.
[2] June 28, 1862.
[3] August 14, 1863.
[4] August 28, 1867.

railway company at one time contemplated a connection with the Union Pacific at Columbus or Kearney, crossing the river at Decatur sixty miles north; but, seeing that the Mississippi & Missouri (Rock Island) would form a connection with the Union Pacific at Omaha, the Northwestern changed its route to that city where it could compete on equal terms with its rival. The *Republican* laughed unrestrainedly at the statement that the Northwestern would go to Lincoln.

On the 4th of December, 1867, the *Republican* speaks of a famous early transportation company as follows: "The old Northwestern Stage Company is known by every man, woman and child in Iowa and Nebraska. . . Its coaches rolled over every road. For years it was the only means of intercommunication—even as late as two years ago."

The Brownville *Advertiser*[1] gives an interesting sketch of the effect of these freight routes upon the almost sole industry—agriculture—in the course of a complaint of the sloth of Nemaha county in competition for the trade of the lines:

"The truth is farmers, more than anybody else, would be benefited by a good road to Fort Kearney. The market for farm produce is now west of us in Colorado and the forts. The thousands of gold hunters in the mountains are fed from the Missouri valley. There is no county in Nebraska that produces more than Nemaha. The surplus is gathered up by freighters, but they do not pay as much here by 20 per cent as in Nebraska City simply because the road from here needs a little mending. Freighters pay 25 cents a bushel for corn at Nebraska City and only 15 and 20 cents here. A bridge, or a good ford, across the Blue, at or near Beatrice, would be worth thousands annually to Nemaha, Richardson, Pawnee, Johnson, Clay and Gage counties."

The *Advertiser* further complains that:

"Ten times as much of the travel across the plains leaves the river from Omaha and Nebraska City as from Brownville. Ten times as many freighters start for Denver, Julesburg and the forts from Omaha and Nebraska City as from this county. The route from here to Ft. Kearney is naturally better than any other; in distance it is shorter than most other routes; the road is comparatively level; no large streams except the Nemaha to cross; plenty of good water and pasture, and between here and the Leavenworth road at Sandy you are never out of sight of timber. Had about two good bridges been built five years ago a large portion of the vast emigration to the mines would have passed over this route. We vainly hoped that government would see the importance of this route and would aid us in making a good road. Meanwhile the tide of travel influenced by interested parties became fixed to other roads."

In August, 1862, the *Scientific American* copied from the Nebraska City *News* an account of the trip of a steam wagon—the Prairie Motor—which had started for Denver, "drawing three road wagons containing five tons of freight, two cords of wood, and all the wagons were crowded with excited citizens." The article goes on to relate that there were five regular stage routes between the Missouri river and the West, all of which concentrated at Ft. Kearney, and that the stage fare for a single passenger from Nebraska City to Denver was $75, and the time taken for the trip one week, traveling day and night. "The citizens of Nebraska in view of these facts have regarded the introduction of the steam wagon with enthusiasm as a great improvement upon the common slow and expensive system of animal teaming on the prairie road. On the 28th of July last they met in mass convention at Nebraska City and requested the authorities of the county to construct a road to its western limits suitable for the steam wagon so as to make Nebraska City the focus of the steam wagon line." The Nebraska City *News*[2] relates that, "General Brown's steam wagon which left here last week, has, we regret to learn, met with an accident. About twelve miles from the city one of the cranks of the wagon shaft broke and stopped further progress for the present. . . The wagon had got over the last rise of ground and was about to start on the long divide which runs clear through to Kearney when it broke. The accident will cause a delay of about three weeks. General Brown left immediately for New York with the broken parts to have them replaced.

[1] August 22, 1863.

[2] August 2, 1862.

Messrs. Sloate and Osborne, the engineers, remain here and will push immediately forward when the new shaft arrives." But the experiment was abandoned at this stage.

Since Nebraska was, in law and in fact, exclusively "Indian country" prior to the time of its organization as a territory—1854[1]—it had no roads except such as had been laid out in the natural course of travel, and no bridges except such as might have been voluntarily built by travelers over the smaller streams. The first appropriation for a highway within the present Nebraska was made by act of Congress, February 17, 1855, which authorized the construction of "a territorial road from a point on the Missouri river (opposite the city of

[1] Post routes were established by acts of Congress as follows: August 3, 1854, Nebraska City, Bellevue, and Omaha City to Ft. Calhoun.

August 18, 1856: "From Nebraska City to Marysville, Kansas Territory; from Omadi to Fort Lookout; from Omadi to Elkhorn river; from Omaha City by Fort Kearney and Fort Laramie, to Great Salt Lake City; from Omaha City, by Elkhorn, Fontenelle, and Running Water, via Fort Randall to Fort Pierre; from Omaha City by Florence, Fort Calhoun, De Soto, Cuming City, Tekama, Black Bird, and Omadi to Dakota City; from Omaha City to Kearney City; from Omaha City by Nebraska City, Kearney City, Brownville, and Nemaha City, to Whitehead; from Dakota City to Sergeant's Bluff, Iowa; from Dakota City by Ayoway Creek and Running Water river, to Fort Laramie; from Dakota City to Fort Pierre; from Omadi to Sergeant's Bluff, Iowa; from Plattsmouth by Kenosha and Wyoming, to Kearney City; from Wyoming to Sidney, Iowa; from Wyoming to Salt Creek; from Nebraska City to Salt Creek; from Kearney City to New Fort Kearney; from Brownville to New Fort Kearney; from Brownville to Linden, Missouri; from Missouri river, between Great and Little Nemaha rivers, by Archer and Salem, and to Big Blue River."—(U. S. Statutes at Large, vol. 11, p. 133.)

March 3, 1855, from Oregon, in Holt County, Missouri, to New Fort Kearney, on the Platte river, via Stephen W. Story's, on the Missouri river, between the two Nemahas, Mr. Purket's on Muddy creek, John A. Singleton's on the Great Nemaha, Mr. Bobet's on the Great Nemaha and Marysville on Blue river; from Nemaha agency in Kansas territory, to the mouth of the Niobrara river in the territory of Nebraska, via Stephen W. Story's at Story's ferry, Brownville, Nebraska City, Weeping Water, Thompson's at Thompson's ferry, Plattsmouth, Bellevue, Omaha City, Winter Quarters, Florence, Black Bird Hills and Black Bird City; from Bellevue City to Fort Laramie, via Omaha City, Fontenelle, Pawnees, on Loup Fork; from Nebraska City to Ft. Laramie, via New Ft. Kearney and Ash Hollow; from Linden, in Atchison County, Missouri, to Nebraska City, via John Worland's and Bennet's ferry on the Missouri river; from Glenwood, in Mills County, Iowa, to Bellevue City, via St. Mary's, Iowa; from Bluff City, Iowa, to Omaha City; from Oregon, in Holt County, Missouri, to Brownville; from Sidney, Iowa, to Nebraska City; from St. Mary's, Iowa, to Plattsmouth; from Tonora, Missouri, to Brownville; from Tonora, Missouri, to Nebraska City; from Bluff City, Iowa, to Winter Quarters; from Florence to Fontenelle, by way of Dodge City; from Glenwood, Iowa, to Plattsmouth; from Sidney, Iowa, to J. D. N. Thompson's at Thompson's ferry; from Magnolia, Iowa, to Florence; from Magnolia, Iowa, to Black Bird City; from Sergeant's Bluff, Iowa, to Black Bird City; from Leavenworth City, by Stanley's, Mooney, Grasshopper Falls, Rock Point, Vermillion, to Dyer's on Big Blue; from Sergeant's Bluff to Florence; from Atchison to Marysville.—(U. S. Statutes at Large, vol. 10, p. 713.)

The following routes were established by act of June 14, 1858:

"From Brownville, via Nemaha City, Archer, Falls City, Monterey, Salem, Pleasantville, and Pawnee City, to Table Rock; Nemaha City via Salem, Plymouth, and Powhatan, to Topeka, in Kansas; Omaha City to Iowa City (Iowa); Omaha City, via Cedar Island, Eight Mile Grove, Mount Pleasant, and Waterville, to Nebraska City; Plattsmouth to Pacific City (Iowa); Fontenelle, via Lewisburg, to De Witt, in Cuming County; Nebraska City via Helena, Kingston, Beatrice, and Blue Springs, to Marysville, in Kansas; Blue Springs, to Atchison (Kansas); Nebraska City, via Hamburg, Clarinda, and Bedford, to Chariton (Iowa); Nebraska City, via Quincy, Red Oak, Junction, to Winterset (Iowa); Covington to Sioux City (Iowa); Monroe, Monroe County, via Cleveland, Columbus, Buchanan, Emerson, North Bend, Fontenelle, Cuming City, Medail, mouth of Soldier River, to Magnolia, Iowa; Bellevue, via Fairview, to Plattford; Bellevue, via Junction City, to Council Bluffs (Iowa); Bellevue via St. Mary's to Pacific City (Iowa); Bellevue, via Hazelton, Elk Horn, Fremont, Springville, Franklin, Emerson, Buchanan, Columbus, Monroe, Grand Island City, to New Fort Kearney; Bellevue to Laramie City; Omaha City, via Missouri River, to St. Joseph, Missouri; Dakota City, via Galena, to Pacific City, on the Niobrara River; Brownville, via Nemaha City, Peru, Winnebago, St. Stephens, Yankton, and Rulo, to St. Joseph, Missouri; Fontenelle, via De Soto, Calhoun and Cincinnati, to Magnolia (Iowa); Omaha City via Bellevue, Plattsmouth, Rock Bluffs, Kenosha, Wyoming, Nebraska City, Otoe City, to Brownville; Archer to Geneva and Shasta; Plattsmouth via Rock Bluffs and Kenosha, to Sidney (Iowa); Nebraska City to Linden (Missouri); Florence, via Golden Gate to Fontenelle; Florence, via Elk Horn City, Fremont, North Bend, Emerson, Buchanan, Columbus, and Nebraska Centre, to New Fort Kearney; Florence, via Crescent City, Pymosa, Lura, Hamlin's Grove, Bear Grove, Morrisburg, Wiscota, Adel, and Boone, to Fort Des Moines (Iowa); De Soto to Pymosa (Iowa); Plattsmouth, via Cedar Creek, South Bend, and Parallel City to Long Island; Niobrara to Sioux City, Iowa; Decatur, via Ashton, Belvidere, to Dennison, Crawford County, Iowa; St. Stephens to Archer; Dakota City, via Sargeant's Bluff, to Fort Des Moines (Iowa); Bellevue to Fort Des Moines (Iowa); Omadi, via Logan, St. John, Addison, Ponca, Concord, and St. James to Niobrara; Niobrara to Fort Randall; Fort Randall, via the mouth of the Blue Earth River, to the mouth of the Little Medicine Knoll River; Niobrara, via Ponca Reserve, to Chimney Rock."—(U. S. Statutes at Large, vol. 11, p. 356.)

By act of June 30, 1864, a route was established: From Omaha City, via valley of the Elkhorn to the Niobrara river; from Julesburg, Nebr., via Ft. Laramie and Deer Creek, to Virginia City in Idaho.—(U. S. Statutes at Large, vol. 15, p. 321.)

James E. Boyle

Council Bluffs), in the territory of Nebraska, to New Ft. Kearney in said territory."[1] On the 3d of March, 1857, Congress appropriated $30,000 "for the construction of a road[2] from the Platte river via the Omaha reserve and Dakota City to the Running Water

By act of March 14, 1866, the following were established: "From West Point, Cuming County, to Rock Creek, in said county, ten miles; Pawnee City via Frieces Mills, Nebraska, to Seneca, Kansas; Dakota City, via West Point, to Columbus; Brownville, Nebraska, to Rockport, Missouri; Big Sandy, Jones County, to Rose Creek, Nuckolls county; Plattsmouth, via Glendale, South Bend, Ashland, Salt Creek, Rock Creek, Lancaster, Saline City, Saltillo, Centreville, Olive Branch, Clatonia to Beatrice; Plattsmouth, via 8 Mile Grove, to Weeping Water; Decatur, via Logan Valley, West Point, St. Charles, and Jalappa to Fremont; Desoto, via Arizona, to Decatur."—(U. S. Statutes at Large, vol. 14, p. 7.)

By act July 26, 1866, the following were established: "Dakota City to Yankton, in Dakota Territory; Plattsmouth to Columbus; Ponca to Fremont, Saint John's, Iowa, via De Soto and Fontenelle, to Buchanan; Brownville to Table Rock; Brownville to Grant; Fremont, via Jalappa, Saint Charles, Greenwood, West Point, and Rock Creek, to South Fork of Elk Horn."—(U. S. Statutes at Large, vol. 14, p. 287.)

By act March 2, 1867, the following were established: "From Plattsmouth, via Weeping Water, Stoor Creek, Shirley Station, Lancaster, Saline City, and Middle Creek to Blue River; Beatrice via Snow City to Big Sandy."—(U. S. Statutes at Large, vol. 14, p. 553.)

[1] U. S. Statutes at Large, vol. 10, p. 608.

[2] George L. Sites, the superintendent of the construction of this road, appears to have been living at Ft. Wayne, Indiana, and on the 19th of May, 1857, he was instructed by the interior department to make a rapid reconnaissance of the whole route; and July 10, 1857, Mr. Sites reported the results of his examination. His instructions, he said, stated that, "It is presumed that Congress did not contemplate the construction of a road designed to be thoroughly graded and bridged, to be commenced with a view to future appropriations, but that a road to meet the *immediate wants of the settlers* in that region should at once be made from point to point, such a road as can be made throughout the entire distance for the sum appropriated for that purpose."

Mr. Sites observed that "The counties of Sarpy, Douglas, Washington, and Dacota have the great body of the timber and at present contain about seven-eighths of the entire population north of the Platte." The Elkhorn valley, north of Fontenelle, the county town of Dodge county, was destitute of timber. He reported that "the 'Poncas trail' winds with the ridges, very meandering, and along which wagons pass in time of flood, from Omaha City to Iowa [Aoway] Creek, passing about fifteen miles from this place [Dakota City]." This dry weather route, however, increased the distance between thirty-five and forty miles. He procured field notes of a survey of a territorial road from Cedar island, about seven miles from the mouth of the Platte, to Omaha, and surveyed a route with compass and chain from a point on the Platte, three miles above its mouth, via Bellevue, to a point where it intersected a survey of a territorial road from Bellevue to Omaha. He measured the distance "upon the present traveled route" between Omaha and Dakota City with an odometer. It was thirteen and one-half miles by this route from the Platte river to Omaha—eight miles along the valleys of the Platte, Papillion, and Mud creek, nearly level, the rest over a high, rolling prairie. From Omaha to Florence the line ran on the level bench lands of the Missouri valley; from Florence to Ft. Calhoun, nine miles, four and one-half miles of which was over bluffs, the remainder over high prairie, nearly level.

"Ft. Calhoun to De Soto, a distance of five miles, it is level, passing through about three miles of timber directly at the foot of the bluff, and two miles of prairie. De Soto to Cuming City, seven miles, one of which is upon high, rolling prairie, and six upon bench land. Cuming City, via Tekamah, to Decatur, about thirty-two miles, the route is level, upon bench lands. We here pass into the reserve, eighteen miles in width, the entire distance of which is high, rolling prairie, known as the Blackbird hills, skirting upon the timber in the gorges putting into the Missouri. By winding with the ravines and ridges a very fair road can be obtained. This brings us to the foot of the bluffs, where we have the bench lands of the Missouri to Dacota City, a distance of nine miles. We start immediately upon the reconnaissance from this place to the Running Water, and, owing to the mail facilities, will not be able to forward a report of this portion of the route until after our return to Dacota City."

Bridges, he thought, were "not absolutely necessary across Moore's creek and the two Blackbird creeks, as fords can be obtained by cutting down the banks, which, however, are very high and steep." His plan for the construction of bridges which he thought cheapest and simplest was as follows:

"The abutments to be formed by driving piles to a solid foundation, in a row, and sawing them off to a proper level, and connecting them at the top by a capsill; and they may be further secured by diagonal braces halved to the uprights or pinned to them. For the longer bridges there should be several bents placed parallel to each other, and firmly connected together by cross pieces. Where piles cannot be driven, a grillage may be formed by laying square timbers horizontally across each other and securing the uprights to them, and the grillage retained by an enrockment; or the abutments may be made of cribs composed of large square timbers, halved into each other and otherwise firmly connected with iron bolts or wooden braces, the enclosed area being filled with stone or earth. For a bridge not exceeding 12 feet sleepers are to be laid parallel to the direction of the road-way, resting on the supports to which they are notched or pinned with iron bolts and the flooring nailed down on them."—(Ex. Docs., 2d Sess. 35th Cong., vol. 9, pp. 101–6.)

On the 10th of August, 1857, the superintendent reported from Bellevue giving an account of the reconnaissance between Dakota City and the western terminus. He found Dakota City situated about eight miles from the bluffs bordering the Missouri valley on the southwest, five and a half miles south of Sioux City and ninety-six miles north, and twenty-seven miles west from the mouth of the Platte river. Fifteen miles from the crossing at Smyth's creek the party "found a beautiful grove, which we afterwards learned was called 'Secret Grove,' entirely surrounded by high hills, except the opening toward the north made by the ravine in which the grove is situated. . . . At a point two miles above the mouth of the Neobrara, and the point to which we propose to locate the road, we found the bed of the channel to be 320 paces wide, 140 of which was covered with running water, with an average depth of 16 inches. . . . Between the

river," under the direction of the Secretary of the Interior. Appropriations were made for roads within the original territory, but not within the present state, as follows: February 6, 1855, $30,000, "for a military road from the Great Falls of the Missouri river in the

Running Water (l'Eau qui Court) and Dakota City there are fifteen bridges to construct with lengths varying from 10 feet to 100 feet, and estimated at from $75 to $1200. He was of the opinion that the route

from its mouth. . . . This route [from the Platte to Omaha] leads across the Platte valley and the Papillion Creek valley for about five miles; crossing over a divide for 1½ miles, we come upon Mud Creek val-

"from Omaha city to Dakota City is upon or near the route of the territorial survey. . . . Since my return I have been enabled to make further and satisfactory examinations of the Platte river, and find a point for a good ferry at the distance of about three miles

ley, upon which we travel for about 4 miles; thence over a divide, by an easy grade, of 1½ miles to Omaha City. The route is nearly direct, and, with the exception of the two divides spoken of, is level."—(Ibid., pp. 107–14.)

territory of Nebraska to intersect the military road now established leading from Walla Walla to Puget Sound." July 22, 1856, $50,000, "for the construction of a road from Ft. Ridgley, in the territory of Minnesota, to the South Pass of the Rocky Mountains, in the

On the 4th of March, 1858, the superintendent reported progress in the construction of the road as follows:

"On the 4th day of June I reached Omaha City, Nebraska Territory, and, under my instructions of the 15th of May, repaired to the vicinity of the mouth of the Platte river to await the arrival of my engineer. Mr. Smyth arrived on the 25th, and on the 26th of June we started upon our reconnaissance, for the full particulars of which I beg leave to refer to my reports to the department, dated, respectively, the 10th July and the 10th of August, 1857. We commenced the location of the road on the 25th day of August, and completed it on the 12th day of October, 1857.

"In the location of the wagon road from the Platte river, *via* Omaha Reserve and Dacota City, to the Running Water river, we started upon the north bank of the Platte river, about three miles from its mouth, at a post marked 'Commencement of wagon road from Platte to Running Water,' and running a little to the east of north we passed over the valleys of the Platte river and Pappillion, *via* Bellcone, to a high rolling prairie, thence on to Mud Creek valley, and over a divide, reaching Omaha City at the distance of 13 miles from the Platte, about 9 miles of which is over the rich bottom lands of the above named valleys, and the remainder over a delightful rolling prairie of a gentle grade, making the route to Omaha City highly eligible for a wagon road, with but a small expenditure, exclusive of the bridge across Pappillion creek.

"Passing to the north through Omaha City, and crossing over a small creek upon the bridge erected upon the military road from Omaha City to Fort Kearney, we run along Twenty-fourth street, in the city of Saratoga, to its terminus, thence north 23½° west, to the foot of and through Main street, in Florence, over the second bottom lands of the Missouri, perfectly level, crossing Spring and Mill creeks, and reached the bluffs of the Missouri at a distance of five miles from the military bridge. Here we crossed a high ridge and passed down on to the valley of Poncas creek; crossing Poncas and following the valley for one mile we again crossed a divide, somewhat rolling, over on to the valley of Deer creek; thence along the valley and over Deer creek, where we again came upon the second bottom lands of the Missouri; crossing Turkey creek we reached the town of Fort Calhoun, at the distance of 14 miles from Omaha City and 38 miles from the Platte river.

"Passing through Thirteenth street, in Fort Calhoun, and changing our course to west of north, still continuing upon the second bottom or bench lands, we crossed Moore's creek, Mill creek, and Glover's creek, and reached the city of De Soto, distant from Omaha 19 miles and from the Platte 33 miles.

"We again came upon the highlands immediately adjacent to the river, passing over Ohio street in through the town of De Soto, and after continuing upon the highlands for one mile we descended again upon the second bottom or bench lands; crossing South creek we reached the town of Cuming City, distant 40 miles from the Platte. Thence north, on Clay street, through Cuming City; thence bearing to the W. of N., we crossed North creek, Stewart's creek, New York creek, Pike creek, Spring run, Dry creek, and Tekama creek, to the town of Tekama, distant from the Platte 55 miles, thence north, on Thirteenth street, through Tekama; bearing again to the W. of N., we crossed Silver and Elm creeks and reached Decatur City, lying to the south of and adjoining the Omaha Reserve, distant from the Platte 72 miles. Running up Broadway, through Decatur City and over Wood creek, we passed into the Omaha Reserve, up Wood creek valley for about four miles; thence over a divide of an easy grade on to the valley of the South Blackbird; thence along this valley to the crossing of the creek at the 'Omaha Village'; here the valleys of the South and North Blackbird creeks come together; crossing the North Blackbird we reached, by a gentle grade, a divide nearly level upon its surface, but somewhat winding, upon which we continued for about 16 miles, where we passed down from the bluffs to the Missouri bottom, and crossing Omaha creek we reached the town of Omadi, distant from the Platte 101 miles; thence, on Eighth street, through Omadi to the south end of Twentieth street, in Dacota City, distant from the Platte 105 miles.

"The route from one mile north of De Soto to the Omaha Reserve, a distance of about 37 miles, was over the bench lands of the Missouri; a rich loam and sandy soil, unsurpassed for farming or grazing, and forms a direct and beautiful road. Through the reserve we wind along the divide which separates the waters which flow into the North Blackbird and Omaha creeks from those which flow directly into the Missouri.

"Upon either side of this divide the country is rough and broken, and to the east, skirting upon the river, timber is found in considerable quantities; descending the ridge we pass over the first bottom lands, of great richness and fertility, but rather too low for a good road during the wet season; this brings us to Dacota City. From Dacota City, continuing over the first bottom lands, we reach St. John's City, at the distance of eight miles from Dacota City; crossing over a divide, we passed down upon and along the valley of Elk creek; thence over a rolling prairie and a divide to the valley of Aoway creek; thence up this valley for about 16 miles, and over another divide, crossing Lime creek, to a high level prairie; thence, crossing East Bow creek and Main Bow creek, we pass over a beautiful, dry, level prairie to West Bow creek; thence along the valley thereof to a ridge dividing the waters of the West Bow and East Bazille creeks; thence along Bazille valley for about six miles, where we pass upon a high rolling prairie somewhat broken, and along a divide or ridge down on to the valley of Bazille creek; thence, crossing the Bazille, we again come upon the Missouri bottom, upon which we continue to the terminus of the road upon the Running Water river, (l'Eau qui Court,) at about one mile from its mouth, at the distance of 100 miles from Dacota City, and 205 miles from the point of commencement upon the Platte river.

"The entire route from Dacota City to the Running Water river, with the exception of about 15 miles, is over a rich district of country, well adapted to farming and grazing, and forms an almost natural route for a good road.

"The bridges upon the road, as located, have been constructed from the Platte river to Dacota City, with the exception of a few of small import.

"They are of the most approved plan for durability and for cheapness of construction. The frames are all of hewn or sawed timber, and the flooring is of plank two inches thick. By giving personal attention to their construction, under the direction of the department, an economy was pursued which will enable the super-

territory of Nebraska." On the 3d day of March, 1865, an appropriation of $50,000 was made for the construction of a wagon road from the mouth of Turtle Hill river to Omaha, and from the same point to Virginia City, Montana. The main motive for the construction of these highways in the Northwest was national, that is, to provide for transportation of troops and supplies into the country where British influence at the earlier dates and the Indians all the time were most to be feared. Encouragement and accommodation of local settlements was no doubt an important but secondary consideration.

intendent to construct the remainder of the bridges required, and perform the grading necessary to make a good wagon road over the entire route for the sum appropriated by the 34th Congress.

"If the contract system had been pursued I have no hesitation in saying that from double the expenditure an equal amount of benefit would not have been received.

"It is, therefore, entirely owing to the wise policy of the department that the small expenditure, so far, has been productive of so much good to the Territory." —(Ibid., pp. 115–16.)

"During the year 1857 we constructed the following bridges:

| ACROSS | FT. IN LENGTH | ACROSS | FT. IN LENGTH |
|---|---|---|---|
| Pappillion creek | 68 | Slough | 10 |
| Slough | 16 | Spring run | 27 |
| Slough | 15 | Dry creek | 19 |
| Spring creek | 45 | Spring branch | 12 |
| Poncas creek | 34 | Tekama creek | 59 |
| Turkey creek | 39 | Spring branch | 17 |
| Mill creek | 54 | Slough | 10 |
| Glover's creek | 20 | Slough | 7 |
| Branch creek | 14 | Silver creek | 54 |
| South creek | 29 | Elm creek | 27 |
| North creek | 34 | Wood creek | 56 |
| Stewart's creek | 29 | So. Blackbird creek | 50 |
| New York creek | 48 | No. Blackbird creek | 50 |
| Pike creek | 39 | Omaha creek | 68" |

—(Ibid., pp. 121–22.)

"During the past summer we have constructed upon this road the following bridges:

| ACROSS | FT. IN LENGTH | ACROSS | FT. IN LENGTH |
|---|---|---|---|
| Slough | 15 | Ayoway creek | 30 |
| Ditch | 10 | Ravine | 15 |
| Ravine | 18 | Ravine creek | 25 |
| Run and ravine | 28 | Northwest Ayoway | 30 |
| Run | 30 | Slough | 10 |
| Ravine and gulch | 55 | Ravine and gulch | 35 |
| Ravine and gulch | 20 | Spring creek | 20 |
| Badger creek | 20 | Dry ravine | 15 |
| Ayoway creek | 56 | East Bow creek | 50 |
| Ayoway creek | 20 | Middle Bow creek | 78 |
| Ayoway creek | 20 | West Bow creek | 50" |
| Ayoway creek | 20 | | |

"The road, as located through the Omaha Reserve, passes along a high divide, and as it approaches Dacota City, which is situated upon the Missouri bottom, we have to descend a bluff bank of about 350 feet in height. This bluff was graded, under the immediate supervision of the engineer, by winding the hill with a side cut, in length one-half mile, with a grade somewhat heavy, but over which a loaded wagon may pass without much difficulty."—(Ibid., p. 122.)

January 20, 1859, the superintendent reported, from Lancaster, O., that he took up the work of construction on the 1st of April, 1858. "The first grading done was a side cut along a bluff bank, three miles north of the Platte river and near Pappillion creek bridge, of about one-half a mile in length at a cost of a little less than $250, besides the use of our own teams." He erected three small bridges across a slough, a ditch, and ravine between the Platte river and Papillion creek and two others between Omaha and Florence. He reported that "incessant and unprecedented rains" in the spring swelled the north and south Blackbird creeks so that the bridges were carried away, and the bridge across Omaha creek in Dakota county, New York creek, Pike creek, and Spring creek met the same fate.—(Ibid., p. 119.)

Incidentally the superintendent drops into an enthusiastic description of the lands through which his road passed:

"The well-matted prairie sod forms an excellent bed to carry off the water, directly after its fall, to the streams. The opening of these lands to cultivation, while they will richly repay the husbandman, it will also materially and beneficially affect these high floods, and be highly advantageous to the bottom lands.

"Springs of beautiful, clear, cold water universally form the sources of these creeks; in fact, I know of but one exception in the whole country, that of Fish creek, which lies to the east of the road, and which takes its rise from a slough formed by the discharge of several creeks without any visible inlet. Quite a number of small creeks are lost entirely in the first bottom of the Missouri before they reach that stream.

"The lands lying between the reserve and the Platte river, and in the vicinity of this road, are either held by preemption or by what is familiarly known as claims, a large portion of which are in cultivation; it is unsurpassed in beautiful scenery, or in the richness and productiveness of the soil; it is destined to be a great producing country, and will command the attention both of the agriculturist and stock grower.

"This road and the facilities offered by the bridges are of immense benefit to the settler and the emigrant." —(Ibid., p. 121.)

A report of a committee of the territorial legislature states that the entire length of the road was 208 miles, that it was "of incalculable benefit and importance to the territory," and that the road was opened and located "by Henry B. Smyth, an engineer appointed by the Government under the direction of the superintendent."

The committee asked for an appropriation for the construction of a large number of bridges over the smaller streams, for a bridge across the Niobrara river, and for the extension of the road "to the military post of Fort Randall."—(Council Journal, 5th Ter. Sess., pp. 130–32.)

The superintendent urged that "the pecuniary condition of the people of the territory, brought on by the exorbitant prices they were compelled to pay for the necessaries of life, will not warrant an undertaking on their part to construct the bridges required for the accommodation of themselves and indispensable to the emigrant."—(Ex. Doc., 2d Sess., 35th Cong., vol. 9, p. 124.)

Keen-eyed settlers of that time still living and with fresh memories tell the usual story of extravagant and inefficient use of the appropriation for this road, and that it ought to have been put it in much better order.

# CHAPTER IV

## THE LOUISIANA PURCHASE

QUEST for the germ of political Nebraska leads us back just through the brief period of the nation's miraculous making, when—April 2, 1743—at Shadwell, Albemarle county, Virginia, in the shadow of the Blue Ridge mountains, we find Martha, the mother, clasping to her bosom the new-born Thomas Jefferson, under whose sandy hair are the brains that are to give to mankind the Declaration of Independence; to give distinction to American diplomacy at the court of France, between the years 1785 and 1789, as the first secretary of state under the federal constitution; to initiate and develop the foreign and domestic policy of the young republic; to become president in 1801; to negotiate and complete the Louisiana purchase from Napoleon Bonaparte in 1803 at a cost of about $2^{3}/_{5}$ cents an acre. The aggregate amount paid for this new empire, of which the present Nebraska forms but about a twelfth part, was $15,000,000. Of this purchase price France received in United States bonds $11,250,000, and by agreement the remaining $3,750,000 was paid to American citizens in liquidation of claims against the French government. When the United States took formal possession of these lands on December 20, 1803, the Union consisted of but seventeen states, Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Vermont, with a total area of 444,393 square miles,[1] or 284,411,520 acres. But Mr. Jefferson's purchase of contiguous territory covered 890,921 square miles, including both land and water surface, or 878,641 square miles—562,330,240[2] acres—of land alone; and it lacked but little of being twice as large—as it certainly was twice as valuable for agriculture and mining—as the seventeen states named. To-day, with all the more expensively and less peacefully acquired islands of Hawaii, Porto Rico, Guam, and the Philippines in the reckoning, the Louisiana Purchase of President Jefferson comprises nearly one-fourth of the Republic.

From this vast purchase of territory adjacent to the previous holdings of the Republic have been created twelve great states, namely: Louisiana in 1812, Missouri in 1821, Arkansas in 1836, Iowa in 1846, Minnesota in 1858, Kansas in 1861, Nebraska in 1867, Colorado in 1876, Montana in 1889, South Dakota in 1889, North Dakota in 1889, and Wyoming in 1890. Although only about one-third of Colorado, two-thirds of Minnesota, and a little more than three-fourths of Wyoming are parts of the Jefferson purchase, yet we have left of it in the Indian territory and Oklahoma enough to make several more states.[3] The estimated population of the land ceded by Napoleon in 1803 was fifty thousand whites, forty thousand slaves, and two thousand free blacks. More than four-fifths of the whites and all the blacks except about one thousand three hundred were in and adjacent to New Orleans. The rest were scattered through the country now included in Arkansas and

[1] U. S. census 1900, vol. 1, part 1, p. xxxii.

[2] These figures appear in the Statistical Atlas of the twelfth census. They include the area of the narrow strip between the 31st parallel on the north, the Gulf of Mexico on the south, the Perdido river on the east, and the Mississippi river on the west, the ownership of which was in dispute with Spain from 1803 to 1819. In Hermann's Louisiana Purchase, p. 37, the total area, as found by the commissioner of the land office under the administration of President McKinley and Mr. Bliss, Secretary of the Interior, is given as 883,072 square miles. Previous to these later measurements the area of the Purchase had been overestimated.

[3] The strip of Montana lying west of the main chain of the Rocky mountains and the extreme southwestern corner of Kansas are outside the Purchase.

Missouri.[1] The population of the Louisiana Purchase is now about 14,000,000,[2] and if it were as densely populated as Belgium, which contains 536 human beings to the square mile, it would contain and maintain 473,326,592.

The importance of the Louisiana Purchase does not spring alone from its extent and value as a vast territorial addition to the country, but very largely from its momentous political significance and effect. In the first place it was a pawn played by the great Napoleon in his universal game of war and diplomacy, in which the ancient empires of Europe were the stakes. Acquired by France under Louis XIV., through exploration and settlement here and there, it was ceded to Spain as a salve for sacrifices on her part in the treaty of 1763, which secured the supremacy of the English speaking race on this continent and in general as a colonizing power, and was the territorial preparation for the great republic. Before Napoleon had forced himself into actual power as first consul, November 9, 1799, Talleyrand, who ruled under the directory, had conceived the idea of at once spreading out France in a great colonial empire, and curbing, through near neighborship, the pretentious young American republic, by securing the retrocession of Louisiana. Spain's fortunes were going from bad to worse, and after Napoleon's startling victory over the Austrians at Marengo in June, 1800, Talleyrand's messenger had but to demand the retrocession on the terms he proposed and it was accomplished—October 1, 1800. The Spanish king, complaining that France had not carried out her part of the bargain, delayed the delivery of Louisiana, but finally yielded, October 15, 1801, on the assurance of Talleyrand that, "You can declare in the name of the First Consul that France will never alienate it." Meanwhile Napoleon had won peace from Austria by force, and from Great Britain through diplomacy, so that now he prepared to take possession of Louisiana; but first he had to deal with the revolution of the negroes of the important outpost of Santo Domingo, under the lead of Toussaint L'Ouverture. The disaster which finally befell Napoleon's army in Santo Domingo, and the impending renewal of his irrepressible conflict with England, led the marvelously practical First Consul to abandon whatever thought he may have indulged of a colonial empire in America. It is doubtful that he ever fully entertained or regarded as feasible this original dream of Talleyrand's. But at any rate, and in spite of Talleyrand, his unequaled executive mind saw straight and clear to his purpose and acted with characteristic decisiveness. In the early days of April, 1803, he disclosed to Talleyrand, and then to others of his ministers, his purpose of ceding Louisiana to the United States. At the break of day, April 11, the day before Monroe, Jefferson's special envoy for the purchase of New Orleans and possibly the Floridas also, arrived in Paris, Napoleon announced to Marbois, his minister of finance: "Irresolution and deliberation are no longer in season; I renounce Louisiana. To attempt obstinately to retain it would be folly. . . Have an interview this very day with Mr. Livingston." He had said the day before that he feared England would seize Louisiana as the beginning of war; and already, April 8, he had countermanded the order for General Victor to sail with his army to take possession of Louisiana. When in an interview later in the day Livingston was

"Still harping on my daughter,"

begging only for New Orleans and West Florida, he was disconcerted at the sudden demand of Talleyrand, "What will you give for the whole?" The next day Livingston conferred with Monroe, but in the afternoon he met Marbois, who invited him to his house, and during the night a preliminary understanding was reached. After much haggling about the price the papers were signed during the early days of May, but were dated back to April 30. Napoleon sought to preclude danger of the subsequent cession of the territory to England, or any other rival power, and to pro-

[1] Adams, History of the United States, vol. 2, p. 121. Rufus King on the Missouri Bill, American Orations, vol. 2, p. 42.

[2] Including all of Colorado, Minnesota, and Wyoming, 14,706,563. U. S. Census, 1900, vol. 1, pt. 1, p. 2.

tect the inhabitants, who were mainly French and Spanish, in the enjoyment of their religion and racial propensities, by inserting the following guarantee in the treaty:

"The inhabitants of the ceded territory shall be incorporated in the union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizenship of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess."

Though this vast territory had actually been pressed upon the American ambassadors, its acquisition was indeed a triumph for the young republic.

"Livingston had achieved the greatest diplomatic success recorded in American history. . . . No other American diplomatist was so fortunate as Livingston for the immensity of his results compared with the paucity of his means. . . . The annexation of Louisiana was an event so portentous as to defy measurement. It gave a new face to politics, and ranked in historical importance next to the declaration of independence and the adoption of the constitution—events of which it was the logical outcome; but as a matter of diplomacy it was unparalleled, because it cost almost nothing."[1]

But Livingston's cup of glory turned to ashes on his lips. He was charged with corruption in the distribution of the part of the purchase price which was to be paid to American claimants, and the credit the public gave Monroe elevated him to the presidency, where he was so fortunate as to make his name known of all men by the timely enunciation of the "Monroe Doctrine," which was adopted as an expedient for the safety of the still young and not yet firmly founded republic and its institutions, and which is still maintained as a principle of American polity, but more perhaps through the influence of tradition than of the original need or expediency, this motive having been superseded by one of wider scope and farther reach though not definitely defined or conceived. The direct bearing of an account of the Louisiana Purchase upon a history of Nebraska will now begin to appear, and is forecast in the following estimate of its political effect or sequel:

"Of the transcendent importance of that event, aside from the expansion of territory, we get some idea when we reflect that the Missouri compromise, the annexation of Texas, the compromise of 1850, the Kansas-Nebraska bill, the Dred Scott case, and at length the Civil war, were events in regular sequence directly traceable to it, not one of which would have occurred without it."[2]

The sweeping conclusions of the eminent jurist are doubtless technically correct, but there is a hint in them of the almost dogmatic implication in many historical accounts of the famous purchase that it was a work of chance—a result of the accidental extremity of the fortunes of Napoleon and of the Spanish nation at that particular time, and of the acumen of several American politicians. Mr. Adams partially corrects this misapprehension when he declares that the acquisition of Louisiana was "the logical outcome of the Declaration of Independence and the adoption of the Constitution." But the historian would have been equally correct and more fundamental if he had said that the acquisition was the logical outcome of the ascendency of the English race and English institutions in North America, as against the Latin race, which was formally determined by the result of the French and Indian war and the treaty of 1763. The expulsion of France and Spain would have been completed by the same English race without the incident of the secession of the colonies and the division of English territory which the Declaration of Independence proclaimed. While the great Napoleon's necessity of trying conclusions with England at home in 1803, just as his predecessor had tried conclusions with England in America in 1763, and his necessity of diverting the troops with which he intended to take possession of and defend Louisiana to put down the Santo Domingo rebellion, probably at once precipitated this final

[1] Adams, History of the United States, vol. 2, pp. 48-49.

[2] Thomas M. Cooley, The Acquisition of Louisiana, *Indiana Hist. Soc. Pamphlets*, no. 3, p. 5.

surrender of French pretension to America which might have been held in solution yet for some time, still the precipitation would have been only a question of time; and it is not unlikely that there would have been the same evolutionary working out of the question of slavery and of union, the same tragedy and the same glory. The first view, in short, has the fault of empiricism, of explaining an important social phenomenon as an accident instead of a natural evolutionary process.

News of the retrocession of Louisiana to France, which reached America about eight months after it had been agreed upon, disclosed the inherent or inevitable opposition to the reinstatement of France. And so Jefferson was moved by fear of such an event to write in July, 1801:[1]

"We consider her (Spain's) possession of the adjacent country as most favorable to our interests, and should see with an extreme pain any other country substituted for them."

Spain, unlike her then monstrously militant neighbor of the same race, was already too inert to be seriously inimical. Madison, Jefferson's secretary of state, wrote, September 28, 1801, to Livingston, who had just reached France, that the proposed change of neighbors was a matter of "momentous concern." If allowed, "inquietudes would be excited in the southern states where numerous slaves had been taught to regard the French as patrons of their cause."[2] Livingston, who perceived the perplexities of the situation, wrote to Madison several months before the cession that he was persuaded that the whole business would result in the relinquishment of Louisiana to the United States. It was plain, moreover, to astute American statesmen that the reoccupation of Louisiana by the French undid the work of the Seven Years' war and nullified the treaty of 1763. Jefferson's feeling seemed to grow stronger, and he wrote to Livingston, April 18, 1802, that New Orleans was so important to the United States that whoever held it was for that very reason naturally and forever an enemy, and that the day France took possession of the city the ancient friendship between her and the United States ended and alliance with Great Britain became necessary. Nor were English statesmen slow to foresee the natural sequence of events. Before the cession had been mooted Lord Whitworth, the British ambassador at Paris, had predicted that America would reap the "first fruits" of the coming French war with England; and Addington, anticipating Napoleon's own later reason for the cession, told Rufus King that the first step of England on the outbreak of war would be to seize Louisiana.

The interesting question as to Napoleon's real reasons for alienating Louisiana from France will perhaps never be settled. Of our late standard historians of the United States Adams gives the question the most thorough consideration; and while he seriously damages, if he does not completely demolish the reasons usually given, he fails to establish others in their place.

"Bonaparte had reasons for not returning the colony to Spain; he had reasons, too, for giving it to the United States,—but why did he alienate the territory from France? Fear of England was not the true cause. He had not to learn how to reconquer Louisiana on the Danube and the Po. . . Any attempt (on the part of England) to regain ascendency by conquering Louisiana would have thrown the United States into the hands of France; and had Bonaparte anticipated such an act he should have helped it. . . Every diplomatic object would have been gained by accepting Jefferson's project of a treaty (for New Orleans alone) and signing it, without the change of a word. . . The real reasons which induced Bonaparte to alienate the territory from France remained hidden in the mysterious processes of his mind. Anger with Spain and Godoy had a share in it, disgust for the sacrifices he had made, and impatience to begin his new campaigns on

[1] At the time (November, 1801) that Jefferson received Talleyrand's explicit denial of retrocession, he received also from Rufus King, American minister at London, the text of the treaty of retrocession dated eight months before.

[2] It is curious to note that while the French republic in 1794, still in its mad career of enfranchisement, had freed the slaves of Santo Domingo, it was now part of Napoleon's purpose in sending troops to that island, instead of employing them to take possession of Louisiana, to again reduce the blacks to slavery.

the Rhine,—possibly a wish to show Talleyrand that his policy could never be revived, and that he had no choice but to follow into Germany,—had still more to do with the act.[1]

McMaster, on the other hand, puts the orthodox, or generally accepted reasons into a nutshell, thus:

"New combinations were forming against him (Napoleon) in Europe; all England was loudly demanding that Louisiana should be attacked; and, lest it should be taken from him, he determined to sell it to the United States."[2]

Somewhat more at length, and willing to credit Jefferson with shrewd foresight, Schouler adopts the same reasons:

"The accident for which Jefferson had here allowed was, in truth, the speedy renewal of hostilities between France and England. The treaty of Amiens had been too hastily drawn up, and its adjustment of disputes was too incomplete to be more than a truce between them. . . And thus it came to pass ere Monroe could reach Paris. . . Napoleon after his abrupt fashion had relinquished, and most reluctantly, his designs upon the American continent, under the pressure of a speedy war with England, and the necessity of preventing the United States from making the threatened alliance with his enemy. Forced to surrender the Mississippi, in any event he resolved to put it out of the reach of his immediate foe, and gain the gratitude of a new and rising power. He needed money, furthermore, in aid of his warlike operations."[3]

Rhodes essays little on this topic beyond crediting Jefferson with long-headedness:

"The possession of the mouth of the Mississippi was a commercial necessity, and Jefferson showed wisdom in promptly seizing the opportunity presented by a fortunate combination of circumstances to secure the purchase of this magnificent domain."[4]

But it is easier and perhaps safer to give over attempting to interpret the motive and design of the arbiter of the Nebraska country, who is likened to deity, and acknowledge that "his ways are past finding out." For a noted Englishman, even, avows that he was "a supernatural force"; that "his genius was supreme"; that "he raised himself by superhuman faculties," and "carried human faculty to the farthest point of which we have accurate knowledge."[5] And we find the head of the English army characterizing him as "the greatest soldier and ruler, the greatest human being whom God has ever allowed to govern here below. . . His greatness in peace, his success in war, his wisdom as a ruler, his genius as a commander, all combine to make him the most remarkable man whom God ever created."[6]

But while Napoleon's part in this great transaction remains equivocal, or not positively to his credit, Jefferson's reputation for great capacity and consummate sagacity in his part has been established by a century's severest scrutiny. From the time of the retrocession of Louisiana by Spain to France in 1800 the position of the United States was diplomatically very delicate if it was not desperate. France had been insolently preying upon our commerce, and Livingston was obliged to complicate demands for damages on this account with his negotiations for the purchase of New Orleans. No friendship could be expected from England except as it might be played off against France. In its constant peril of one or the other of these greatest powers, Spain took frequent opportunity to visit the young republic with both insult and injury; and though Napoleon's extremity furnished our opportunity for the Louisiana acquisition, its original stimulus and initiative came from an imperious demand for free commerce, through the channel of the Mississippi river, by the settlers of the western parts of Kentucky and Tennessee.

Before the close of the war of the Revolution John Jay, minister to Spain, had in vain negotiated for an acknowledgment of this

[1] Adams, History of the United States, vol. 2, pp. 63–65.

[2] McMaster, History of the People of the United States, vol. 2, p. 626.

[3] Schouler, History of the United States, vol. 2, pp. 50–51.

[4] Rhodes, History of the United States, vol. 1, pp. 27–28.

[5] Rosebery, Napoleon, The Last Phase.

[6] Field Marshal Viscount Wolsely, in *Cosmopolitan* for March and April, 1903.

privilege, which was claimed on good grounds as a natural right by virtue of our claim of ownership of the entire east bank of the river as far as New Orleans, and of succession to the right of free navigation guaranteed to our grantor, Great Britain, by the treaty of 1763. But then, as now, international treaties and international law were made to be violated with impunity as against the weaker party, and the United States was the weaker party. When Jay, for diplomatic reasons, agreed that the disagreeable matter should not be pressed against Spain for twenty-five years, the restlessness of the Kentucky and Tennessee pioneers broke into riotousness, and preparations were made to set up a separate government, and to send an armed expedition to force the free passage of the river beyond New Orleans. But, crushed in the adversity of the Napoleonic wars, Spain relented in 1795, and guaranteed free passage of the river and a place of deposit for American cargoes at New Orleans for the period of three years. The bold westerners regarded this agreement as a temporary makeshift, and egged President Adams on for a permanent settlement. Even Hamilton, with many followers, urged the necessity of taking advantage of Spain's helplessness and seizing and holding New Orleans by force; but Adams held them off. Jefferson's administration inherited this persistent demand for a permanently free Mississippi, and he silenced its insistent clamor by setting on foot the negotiations for the purchase. Godoy, who in everything save the ultimate power to enforce his policy and rights was a match for Talleyrand and Napoleon, had been recalled to power as foreign minister of Spain after she had been persuaded into the retrocession, and he skilfully played every device for delay of the final delivery. Godoy's bold strategy and Touissant's revolution in St. Domingo put off French occupation of Louisiana until, by the spring of 1802, Jefferson's eyes had opened wide on the situation. For "the whole power of the United States could not at that day, even if backed by the navy of England, have driven ten thousand French troops out of Louisiana."[1] Morales, the Spanish intendant at New Orleans, had goaded the temper of the free trade westerners to the acute stage by refusing to extend the right of passage and deposit at the end of the three years, as the treaty of 1795 had stipulated; and when restitution was ordered by Godoy's influence, March 1, 1803, it was too late.

The Spanish tariff on trade through the Mississippi, which drove the pioneer western colonists to revolution, and but for the peaceful diplomacy of Jefferson must have involved the forcible conquest of New Orleans, was from 50 to 75 per cent. For the last forty years a tariff tax on western agriculture, equally as high, has been imposed by the forms of law at the port of New Orleans and every other port of the Union, and its most strenuous and ablest opponents have hailed from the same old Kentucky commonwealth. It is interesting to reflect that perhaps the aggressive courage, brilliancy, and legal acumen of our present day Kentucky free-traders—the Wattersons and Carlisles—are an inheritance from those pioneer revolutionists against the Spanish tax on trade which was so appropriately named after Tarifa, a Spanish freebooter at the passage of Gibraltar of a still earlier day. And thus the recalcitrant Godoy, playing for time, hoping against hope to free Spain from the shackles of Napoleon, five hundred thousand Santo Domingo negroes frenzied with the passion for personal freedom, and the necessity of the Kentucky and Tennessee settlers for a free market for their tobacco, flour, bacon, and hams were the Providence of the great Louisiana purchase.

While Hamilton's policy for getting New Orleans was to seize first and negotiate afterward, and early in March, 1803, Congress authorized Jefferson to call out eighty thousand troops, he resolutely kept the key to the situation and continued "to palliate and endure."

"They who sought thus to lessen confidence in the president, and to take the Mississippi entanglement out of his discretionary control by cutting the knot, underrated at this crisis

[1]Adams, History of the United States, vol. 1, p. 421.

the ability of a most consummate and experienced negotiator; one with whom, in a matter of foreign diplomacy, Hamilton himself bore no comparison."[1]

While Adams, in his rigid impartiality, apparently sees that Jefferson might have been open to the charge of having dallied too long in his passion for peace, in face of the imminent danger of Napoleon's occupation with an impregnable force, if the outcome had been disastrous or less glorious, yet he is constrained to unqualified recognition of his great diplomatic skill.

"With infinite pertinacity Jefferson clung to his own course. . . . The essence and genius of his statesmanship lay in peace. . . . The consistency of the career became more remarkable on account of the seeming inconsistencies of the moment. He was pliant and yielding in manner, but steady as the magnet itself in aim. His maneuvers between the angry west and the arbitrary first consul of France offered an example of his political method. He meant that there should be no war."[2]

The consciences of republicans evidently suffered a severe gnawing because necessity impelled them to violate their construction of the Constitution to get Louisiana. Jefferson urged an amendment which would grant "an enlargement of power from the nation," rather than by mere construction to "make our powers (including treaty powers) boundless," and the Constitution "blank paper." But Jefferson was no less consistent and certainly more logical than his fellow republicans in the House and the Senate. Although it may be "hard to see how any president could have been more federalist than Jefferson himself," confronted by this imperious necessity of acting outside the acknowledged narrow limits of the written Constitution which theoretically restrained him, yet he frankly confessed that he was technically wrong, but as frankly avowed that he should "acquiesce with satisfaction, confiding that the good sense of our country will correct the evil of construction when it shall produce ill effects." Breckinridge and Nicholas, on the other hand, the one author of the Kentucky, and the other ardent supporter of the Virginia resolutions, now began to see implied powers in the Constitution which would amply support the present purpose. John Quincy Adams, representing the younger and more moderate federalists, like Jefferson, desired the acquisition, but like him also thought a constitutional amendment necessary and, cooperating with the administration, like Jefferson, offered an amendment for the purpose. Contrary to somewhat authoritative assertion, the ground of Jefferson's constitutional objection included that of the acquirement of territory as well as the right, which was involved in the treaty, of adding this territory, acquired since the formation of the Constitution, as states to the Union.[3]

The extreme federalists, such as Pickering of Massachusetts and Griswold of Connecticut, in a fit of capricious, obstructionist partisan temper, insisted that the treaty was absolutely unconstitutional and void, their chief contention being that it involved the admission of this new territory as a state in the Union which could not be done without the consent of all the other states, since the Constitution applied in this sense only to the territory comprised within the United States when it was adopted. "Nothing so fully illustrates the low state to which the once prosperous Federalists were fallen as the turbulent and factious opposition they now made to the acquisition of Louisiana." But "the mass of the people pronounced the purchase a bargain,"[4] and Jefferson knew that he was safe in their hands. "He would accept the treaty, summon Congress, urge the House and Senate to perfect the purchase, and trust to the Constitution being mended so as to make the purchase legal."[5] He called Congress in special session in October; the Senate almost unanimously rati-

[1] Schouler, History of the United States, vol. 2, p. 47.

[2] Adams, History of the United States, vol. 1, pp. 434, 445.

[3] A leading newspaper of the metropolitan class disputed the statement in ex-President Cleveland's address at the opening of the Louisiana Purchase Exposition at St. Louis in 1903, that Jefferson believed the acquirement of the territory was unconstitutional.

[4] McMaster, History of the People of the United States, vol. 2, p. 630.

[5] Ibid., p. 628.

fied the treaty, and a bill to carry it into effect was passed with only five votes against it in the Senate, and twenty-five federalists voted against it in the House, seventeen of whom were from New England. Nothing more was heard of "mending the Constitution." Neither Jefferson or Breckinridge, republicans, nor Adams or Pickering, federalists, could then discern that out of the same revolution which had produced only our rigid written Constitution, hobbled by Hamiltonian "checks and balances," the seeds of a British polity were already growing whose full fruitage was soon to be a constitution made to the order of public opinion directly by the supreme popular house of parliament. In the new-born spirit of devotion to an impracticable literal construction of a word-bound constitution, Jefferson was bitterly assailed for violating it; and he has not wholly escaped the assaults of our contemporary publicists: "Mr. Jefferson struck a dangerous blow at the foundation principles of the government, and offered to demagogues who should come after him a corrupting and dangerous precedent, when he proposed to violate the Constitution in order to accomplish an object of immediate desire."[1]

The singular error of this eminent expositor of constitutions in saying that, "the purchase, according to the federal view of the Constitution was perfectly legitimate,"[2] is sufficiently illustrated by the foregoing brief showing of the attitude of contemporary federal leaders. In brief, this process of immediate constitution-making at the righteous dictate of the public welfare and opinion —though sometimes most unrighteous, and against the one and in spite of the other— which Jefferson, the strict constructionist, began, and which all shades of constructionists have continued to the present day, serves chiefly to illustrate the misconception and the vanity of the painful hair-splitting of "the fathers" as to the constitutionality of the great Purchase. While of necessity we make our constitution as we go, as the work is done in England, according to the order of public opinion, we are hampered, morally and otherwise, by being cut off from that easy and natural test of appeal to the public which, under the responsible cabinet system, our British brethren enjoy. Under a like system of government by discussion we are forced as well as we may to make British bricks without the British straw. All the constitutional questions and speculations raised in the transaction of this momentous business were left to be controverted from time to time during the various phases of the coming struggle over African slavery, and to be revamped and become familiar to our own ears a century later under the Philippine question, and the present question of the constitutional treaty-making power to enact "reciprocity" without the consent of the House of Representatives—all old yet ever new. But it was decided beyond controversy and without dissent that the government might constitutionally acquire territory, though its constitutional status after acquisition is even yet unsettled.

The acquisition was popular on the whole from various motives, chiefly of self-interest. The omnipresent slavery question, though only in a negative and defensive form, affected, if it did not determine, the attitude of the South. Slave-holders would gladly be rid of this French next neighbor whose inculcation of a bias for freedom in the West Indies had broken out in the fearful negro revolution of Santo Domingo. The extreme West, as we have seen, would dispossess the French to insure free travel and trade along the natural and only commercial highway. New England, as usual, at least in those provincial days, was both bigoted and selfish. Her strong religious scruple against having "infidel France" perpetually at our doors was overbalanced in some degree by jealousy of the expansion of the West, as she feared at her own loss in power and population.[3] In this spirit a Massachusetts politician said: "I consider Louisiana the grave of the Union." Elbridge Gerry animadverted on the danger to the country— that is to the East—to be apprehended from

[1] Cooley, The Acquisition of Indiana, *Indiana Hist. Pamphlets*, no. 3, p. 17.

[2] Ibid.

[3] The *Nation*, December 12, 1889, vol. 49, p. 482.

the creation of new states in the West. Even so great a political figure as Gouverneur Morris could contract his vision to this:

"Among other objections they (new western states) would not be able to furnish men equally enlightened to share in the administration of our common interests. The busy haunts of men, not the remote wilderness, is the proper school of political talents. If the western people get the power in their hands they will ruin the Atlantic interests."[1]

And we wonder if these far-seeing New England statesmen are not at this moment turning in their graves at the spectacle of the commanding personages in the federal Congress and two members of the federal cabinet, all from a single state[2] of this "remote wilderness" of the Louisiana Purchase.

New England's opposition to the Louisiana Purchase and other manifestations of her earlier temper show how lightly the value of the federal union was held, and were precursors and stimulants of the Civil war. The speech of Josiah Quincy, Jr., of Massachusetts, in the House of Representatives, in 1811, opposing the admission of Louisiana as a state on these familiar New England grounds, might well have furnished the very text for the nullification convention of 1832 or of the secession resolutions of 1860–61.

As Louisiana, in the inevitable order of Providence, was annexed, so it has developed into a family of imperial food-producing states.

"A vast, unexplored, almost illimitable empire was ours; perpetual immunity from dangerous neighbors; sole possession of this river of rivers, with all its tributaries; a sure dominating influence in the affairs of the North American continent; national opportunities for the future almost depressing in their sublimity."[3]

What wonder that even Jefferson almost feared that it might not stop—not east of the Pacific or north of the isthmus; and that, not foreseeing the cleavage of the slavery question between the North and South, he feared division along the Mississippi.

The limits of Louisiana were defined in this momentous transfer with less care than we now give to the conveyance of an ordinary town lot or a forty acre tract within the Purchase. Both Napoleon and Talleyrand had either some malign subjective design or some undisclosed objective purpose in keeping the boundaries ill-defined; and the southeast and southwest bounds were not settled until the treaty with Spain and Great Britain in 1819, when the claim of the United States to Oregon, which included the present state of that name and Washington and part of Idaho, was also recognized. When at the time of the negotiations the American representatives urged the need of a more definite boundary, Napoleon treated the suggestion lightly if not scornfully, remarking that the very indefiniteness was so much the better for us, implying, Napoleon-like, that, being the stronger party, it would leave us a good opportunity to get the better of Spain in the final settlement. Decrés, the French minister of marine, had undertaken to fix the boundary for the retrocession from Spain. He said that it was well determined on the south by the Gulf of Mexico; "but, bounded on the west by the river called Rio Bravo (Rio Grande) from its mouth to about the 30th parallel, the line of demarkation stops after reaching this point, and there seems never to have been any agreement in regard to this part of the frontier. The farther we go northward the more undecided is the boundary period. This part of America contains little more than uninhabited forests or Indian tribes, and the necessity of fixing the boundary has never yet been felt there. There also exists none between Louisiana and Canada." The eastern boundary was more definite, and Decrés fixed it by the terms of the treaty of 1763: "It is agreed that in future the boundaries between the States of His Most Christian Majesty and those of His Britannic Majesty shall be irrevocably fixed by a line drawn down the Mississippi river from its source to the river Iberville, and from there by a line down the middle of that river

[1] See speech of Daniel E. Dickinson, vol. 15, *Cong. Globe*, p. 416.

[2] Iowa.

[3] Schouler, History of the United States, vol. 2, p. 53.

and of the lakes Maurepas and Pontchartrain to the sea. New Orleans and the Island shall belong to France." The western boundary was described in the treaty of 1819 with Spain as follows: "The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the river Sabine, in the sea, continuing north along the western bank of that river to the 32d degree of latitude; thence by a line due north to the degree of latitude where it strikes the Rio Roxo, of Natchitoches, or Red river; then following the course of the Rio Roxo westward to the degree of longtitude 100 west from London and 23 from Washington; then crossing the said Red River and running thence by a line due north to the river Arkansas; thence following the course of the southern bank of the Arkansas to its source in latitude 42 north; and thence by that parallel of latitude to the South Sea" (Pacific Ocean).

In the year 1899 a conference of experts was appointed at the request of the census office to make a special study of disputed questions in relation to the boundaries of the western territory acquired by the United States. This conference made its report April 5, 1900, and its conclusions in regard to the boundaries of the Louisiana Purchase follow:

"1. The region between the Mississippi river and lakes Maurepas and Pontchartrain to the west, and the Perdido river to the east, should not be assigned either to the Louisiana Purchase or to the Florida Purchase, but marked with a legend indicating that title to it between 1803 and 1819 was in dispute.

"2. The line between the Mississippi river and the Lake of the Woods, separating the territory of the United States prior to 1803 from the Louisiana Purchase, should be drawn from the most northwestern point of the Lake of the Woods to the nearest point on the Mississippi river in Lake Bemidji.

"3. The western boundary of the Louisiana Purchase between 49° and 42° north followed the watershed of the Rocky mountains; thence it ran east along the parallel of 42° north to a point due north of the source of the Arkansas river, and thence south to that source."

The conference found further,

"That the territory of Louisiana, as described by France and granted to Crozat by Louis XIV., extended on the east to the river Mobile, which, with the port, was ceded specifically by France to England by the treaty of Paris in 1763, Spain at the same time ceding the Floridas to Great Britain, with St. Augustine and the bay of Pensacola—thus, inferentially at least, determining the respective boundaries of Louisiana and West Florida; that the first occupation of the interior of the territory between the rivers Mississippi and Perdido by the Spaniards, was during the War of the American Revolution, when it belonged to Great Britain; that Great Britain retroceded the Floridas to Spain in 1783, at which time the Louisiana territory belonged to Spain by the French cession in the preliminaries of peace of 1762 (confirmed 1763), whereby 'all the country known under the name of Louisiana' was transferred; that Spain in 1800 retroceded Louisiana to France as it was received from France in 1763; that France in 1803 ceded the territory of Louisiana to the United States, as discovered and held by France, ceded to Spain, and retroceded to France; and, finally, that in 1819 Spain ceded to the United States all the territory held or claimed by His Catholic Majesty under the names of East and West Florida. In addition to the grounds of dispute between France and Spain, and the United States and Spain, here shown, there was a conflicting claim concerning the extent of West Florida, born of the contention between French and Spanish discoverers and settlers in the sixteenth and seventeenth centuries; and there was also the claim of the French, by right of La Salle's descent of the Mississippi in 1682, to 'all the country drained by that river.'

"With reference to the Louisiana boundary, there remained but one point of difference between the maps under consideration. Article II of the definitive treaty of peace in 1783, between the United States and Great Britain, after defining the northern boundary to the Lake of the Woods, continues as follows: '. . . Thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi.' Such a line as that described being obviously impossible, the Mississippi river being south not west of the Lake of the Woods, the line drawn by the conference was a line from the most northwestern point of that lake to the nearest point on the Mississippi. This line the conference regarded as justified by rules of international law and practice respecting vaguely described boundaries in such topographical circumstances."[1]

[1] *Census Bulletin*, no. 74, July 20, 1901.

The temporary act of October 31, 1803, for taking formal political possession of the new territory continued the form of the Spanish government, merely substituting Jefferson for the king, and subordinate officers of his appointment for the king's officers. The act of March 26, 1804, divided the territory on the 33d parallel—the present line between Louisiana and Arkansas—and provided for a government for the lower division, or "territory of Orleans," by a governor and secretary, judicial officers and a so-called legislative council of thirteen, all appointed by the president. There was much clamor against the arbitrary character of this government in which the people had no voice at all, but this form was modeled upon that of the ordinance of 1787, under which the whole northwest territory and then the individual territories, such as Indiana and Michigan, as they were successively carved out of it, were governed. It was known as government by "the governor and judges," and under it all executive and legislative power was vested in a governor and three judges appointed by the president. These officers might adopt such laws of other states as were applicable to the territory. "The whole government thus originated in Washington and centered there, and was neither derived from the people governed nor responsible to them."[1]

While this government, in form at least, was obviously arbitrary and unrepublican, yet its temporary necessity, until there should be people enough to form a popular government or render it practicable, was alike obvious; and the republican principle was saved by providing for a legislative assembly as soon as there should be five thousand free male persons of full age in the territory to elect its members. This assembly would submit names of ten persons to the governor from whom he should select five for a legislative council or upper house; though the governor had absolute veto power over legislation—"the source of unseen harm still inhering in the institutions of Ohio."[2]

The upper division, called the "district of Louisiana," was attached to the territory of Indiana for governmental purposes. Thus, with the exception that the legislative authority in the territory of Orleans was broadened into the council of thirteen appointed exclusively by the president, the whole territory started under the same government as that under which the territory of Ohio had started. If the people of Ohio were fewer in number and so scattered that their participation in governing was impracticable, while those of Orleans were more compactly settled, yet the former were largely Americans, "to the manner born," while as to the latter it was frankly insisted that "the principles of civil liberty can not suddenly be engrafted on a people accustomed to a regimen of a directly opposite line," and who by prejudices of race were largely hostile to the new government. In both instances wise expediency amounting to temporary necessity prevailed. True, the principles of the government of the northwest territory which, as we have seen, were applied to Louisiana, were adopted under the cooperative leadership of Washington and Adams, and Jefferson and Madison, before they and their followers had divided on Federalist and Republican party lines. And the defense of the principle by some of the republicans on the ground that Congress had absolute power over the territories—that "the limitations of power found in the Constitution are applicable to states and not to territories"—was inconsistent with the spirit, at least, of the strict constructionist principles which in its youthful ardor the new Republican party was just then promulgating with such enthusiasm. This incongruity was illustrated when Marshall, the great federalist chief justice, validated this principle of the extra-constitutional power of Congress as applied to Florida. It was left to Chief Justice Taney, thirty years after, somewhat under the spur of the later developed slave interests, to bring the belated Marshallized constitution back again into consistency with Jeffersonian principles.

But though some of Jefferson's followers, like Breckinridge and Rodney, lost their heads and professed a false faith, and though Jeffer-

[1] Cooley, History of Michigan, p. 146.

[2] King, History of Ohio (Commonwealth Series), p. 183.

son himself, in the temporary government as in the purchase, found it necessary to technically burst some impracticable bonds of a written constitution, yet both Jefferson and his party were in the long run absolutely true to their republican faith in their policy of giving republican government to all territories and of admitting them as states in the Union under republican constitutions of their own making at the earliest practicable moment. In his general republican aim touching the new territory Jefferson was, as the sequel shows, "steady as the magnet itself."

On the 30th of November the Spanish authorities formally and, we may well believe, most reluctantly, turned over Louisiana to Laussat, the French prefect at New Orleans, and on December 20 following possession was in turn given to General James Wilkinson and Governor Claiborne of Mississippi, who were authorized to receive it on the part of the United States. When the French flag, which was floating in the square, was hauled down and the American flag hoisted to its place, it is related that the few Americans present at the momentous ceremony cheered, but that not a few of the Frenchmen shed tears. On the 9th of March, 1804, a detachment of American troops crossed the river from Cahokia to the village of St. Louis, and Don Carlos Dehault Delassus delivered upper Louisiana to Captain Amos Stoddard, of the United States army, who was authorized to receive it on behalf of France. The next day he turned it over to himself representing the United States, thus ending thirty-eight years of Spanish rule. On the 26th of the same month President Jefferson approved the act of Congress dividing the territory and placing the upper division, the "district of Louisiana," under the government of Indiana territory. That government was embodied in Governor William Henry Harrison, afterward president of the United States, and three judges—William Clark, Henry Vanderburgh, and John Griffin. The secretary was John Gibson. These men had organized the first government of Indiana, July 4, 1800. In a very broad sense, therefore, both territorially and politically speaking, William Henry Harrison—"Old Tippecanoe"—was the first governor of Nebraska, and the first capital was Vincennes. Governor Harrison relieved Captain Stoddard, who had been "king for a day" with the powers and prerogatives of a Spanish lieutenant-governor.[1]

By act of Congress the laws of the district of Louisiana were to remain in force until they were altered, modified, or replaced by the governor and judges of Indiana territory. On the 1st of October the governor and judges promulgated six laws for Louisiana territory;[2] but these did not affect Indiana, and no law of Indiana extended over Louisiana. The most important of these six laws applied to slavery, and many of its provisions remained in force as long as slavery existed in Missouri. The French settlers had carried slavery with them to St. Louis, and slaves were actually held at this time in Indiana under the quasi-protection of the law; and Harrison, the first governor over "the Nebraska country," was himself a slave-holder. The people of the new territory stoutly rebelled against the arbitrary absentee government, and they again gave cry to the "no taxation without representation" shibboleth whose revolutionary echoes had scarcely died away.

We have already seen that the slavery question faintly shadowed the Louisiana Purchase from the first. Now one of the chief objections to the absentee government was based on the fear that the extension of the abolition ordinance of 1787 over Louisiana might be a preliminary to the abolition of slavery there. It was insisted that re-union of the whole territory under a single government would be more convenient than the Indiana annexation, and that the separation from the territory of Orleans might afford the pretext to "prolong our state of political tutelage." At the same time that these people of upper Louisiana were insisting on being detached from Indiana the

[1] Carr, History of Missouri (Commonwealth Series), pp. 81, 82.

[2] See Revised Laws of Louisiana Territory, 1808.

people of western Indiana were petitioning Congress to have that territory attached to Louisiana, as they believed their slave property would be safer under such an arrangement.[1]

These grievances were formulated in a petition prepared and adopted by a convention held at St. Louis, September 4, 1804, and which was received by the Senate December 31. Congress gave prompt ear to the remonstrance, and March 3, 1805, a law was passed to take effect July 4, erecting the territory of Louisiana under a separate government, but the same in form as that of Indiana, legislative power being vested in a governor and three judges appointed by the president, "who shall have power to establish inferior courts in the said territory and prescribe their jurisdiction and duties and to make all laws which they may deem conducive to the good government of the inhabitants thereof."[2] The act contained a provision in the nature of a bill of rights guaranteeing to the people of the territory right of jury trial in civil and criminal cases and immunity from religious disability, and prohibiting the passage of laws inconsistent with the Constitution.

The first governor of the new territory was General James Wilkinson who had been a leader in the agitation for forcibly clearing the Mississippi of Spanish obstruction. He went to Kentucky as a merchant in 1784, and appeared in New Orleans as a trader in 1787. In 1807 Aaron Burr was tried for treasonable conspiracy to break up the federal union, and a few years later Wilkinson was also tried as an accessory. Though both escaped conviction, yet the bad character of both was established. J. B. C. Lucas, a French Pennsylvanian, was appointed chief justice, and Dr. Joseph Browne, of New York, a brother-in-law of Burr's, was appointed secretary.

Captain Lewis, who had returned from the Lewis and Clark expedition in September, 1806, was appointed governor in place of Wilkinson in the spring of 1807. He encountered great disorder on account of disputes over land titles and the hostility of creoles to American rule. Spain had continued in possession of Louisiana after the treaty of retrocession to France in 1800 till the time of American occupancy, and the act of March 26, 1804, provided that all grants of land made by Spain during this time were void. In 1808, Pierre Chouteau, under the instructions of Governor Lewis, concluded a treaty with the Osage Indians for the cession of forty-eight million acres of land extending from Ft. Clark, thirty-five miles below the mouth of Kansas river, due south to the Arkansas and along that river to the Mississippi. The Sacs and Foxes sold three million acres in 1804. In 1803 this tribe and the Iowas, their allies, claimed all the state of Missouri, as well as the northwest quarter of Illinois and part of southern Wisconsin. The treaty of Portage des Sioux, a village on the west side of the Mississippi, a few miles above the mouth of the Missouri, put an end to the Indian wars in the territory, but on the part of the Indians there was the familiar bitter complaint of dark ways and vain tricks pursued by the white negotiators.

Howard[3] succeeded Lewis as governor in 1810. By the census of 1810 the population of the territory was twenty thousand, and settlements had been pushed along a strip from fifteen to twenty miles wide from the Arkansas river to a point not far above the mouth of the Missouri,[4] and had already necessitated the treaties with the Indians. By the act of June 4, 1812, which was to take effect December 12, the territory of Louisiana became the territory of Missouri, and its government was advanced to the second grade, after the fashion of the second grade territories of the northwest territory. The act provided for a governor appointed by the

[1] Ch. 8, Dunn's History of Indiana.

[2] Annals of 8th Cong., 2d Ses., p. 1684.

[3] General Benjamin Howard, who was a member of Congress from the Lexington, Kentucky, district, was nominated by President Madison, April 17, 1810, for governor of Upper Louisiana to succeed Meriwether Lewis, deceased. He arrived in St. Louis and assumed the duties of the office September 17, 1810. In 1812 he resigned to accept an appointment as brigadier-general in the United States army, for the war of 1812. Governor Howard was married February 14, 1811, to Miss Mary T. Mason, who died at Lexington, Kentucky, March 21, 1813, leaving no children. General Howard died in St. Louis, September 18, 1814, and there he was buried.

[4] McMaster, History of the People of the United States, vol. 4, pp. 570–71.

president, a house of representatives elected by the people, and a legislative council of nine members appointed by the president from a list of eighteen persons furnished by the house of representatives—a somewhat more than half-way republican form of government. Governor Howard divided its settled portion into five counties by proclamation, and then for some months the secretary of the territory, Frederick Bates,[1] acted as governor until William Clark, of the Lewis and Clark expedition, was appointed in 1813. He held the office until Missouri became a state in 1821, and after this he was superintendent of Indian affairs until his death. He seems to have been even more skilful and a better selection than his famous companion for the main function of these officers, which was to get hold of the lands of the Indians; and through his negotiations, by 1825, the Sacs and Foxes, the Osages and the Kickapoos had relinquished all their domains within the state of Missouri.

All the part of the original territory between latitude 33° and 36° 30′, that is, between the south line of Missouri and the north line of Louisiana, and extending west to the Mexican line, about five hundred and fifty miles, was included in Arkansas territory by the act of March 2, 1819. From the time of the admission of Missouri as a state in 1821 until 1834 all the remaining part of the territory was left without any government whatever. By the act of Congress of June 30, 1834, "All that part of the United States west of the Mississippi river and not within the states of Missouri and Louisiana or the territory of Arkansas, and also that part of the United States east of the Mississippi river, and not within any state to which the Indian title has not been extinguished, for the purposes of this act, shall be taken and deemed to be Indian country." The object of this act was to define and regulate the relations of the United States with the Indians of the territory in question, and jurisdiction of questions arising under it in all the territory south of the north line of the Osage Indian lands was vested in the courts of Arkansas, and of all the territory north of this line and west of the Mississippi in the courts of Missouri.[2] The act provided for a superintendent of Indian affairs for all the Indian country who resided at St. Louis, and his salary was $1,500 a year. He was provided with two agents.[3] By the act of June 28, 1834, that part of the territory east of the Missouri and White Earth rivers and north of the state of Missouri was "for purposes of temporary government attached to and made a part of Michigan."[4] That part of the territory west of the Missouri river, which included present Nebraska, was left without government or political organization until the passage of the famous Kansas–Nebraska bill in 1854.

[1] Frederick Bates was born in Belmont, Virginia June 23, 1777, of Quaker parents, but his father was excommunicated from the church for bearing arms in the Revolutionary war. In 1797 Frederick Bates went to Detroit, Michigan, where he was for a time engaged in business and later was postmaster and then receiver of public moneys until 1805. In 1806 he removed to St. Louis and became the first recorder of the board of land commissioners. He was appointed secretary of the territory, May 7, 1807, to succeed Joseph Browne, and held the office for thirteen years under successive governors, until the formation of the state government in 1821. During much of this time he was acting governor and also recorder of land titles. He compiled the territorial laws published in 1808, the first book printed west of the Mississippi river. In 1824 he was elected the second governor of the state, but died August 2, 1825, on his farm near St. Louis, at the age of forty-eight years. He was married March 4, 1819, to Miss Nancy Ball of St. Louis county.

[2] United States Statutes at Large, vol. 4, p. 729.

[3] Ibid., p. 735.

[4] Ibid., p. 701.

# CHAPTER V

THE MISSOURI COMPROMISE—THE SECOND COMPROMISE—STEPHEN A. DOUGLAS—THE RICHARDSON BILL—THE DODGE BILL—THE KANSAS-NEBRASKA BILL—PROVISIONAL GOVERNMENT—DIVISION OF NEBRASKA—IOWA DOMINANCE—ESTIMATE OF DOUGLAS—PROPOSED BOUNDARIES

THE first direct contest over the slavery question took place when John Taylor of New York, February 17, 1819, moved to amend the bill for the territorial organization of Arkansas by the same anti-slavery provision which Tallmadge sought to incorporate into the enabling act for the admission of Missouri as a state. It provided that no more slaves should be introduced into the territory, and that all children born after admission should be free, though they might be held to service until the age of twenty-five years. But the status of slavery was fixed on the east in Mississippi and on the south in Louisiana at the time of the purchase, and the argument that Arkansas was naturally and by original right slave territory easily prevailed. But the proposal at the same time to admit Missouri as a state started the fierce controversy over the slavery question, which to leading statesmen even then seemed destined to end in disruption of the Union, and war, and which were postponed merely by the three great compromises—the last being the Nebraska bill.

Missouri became the storm center, partially because it was further north, and therefore less logically or naturally slave territory than Arkansas, and partially because the proposed dedication of the state to slavery by constitutional provision would be final.

The lower house of the 1st Congress resolved, after thorough debate, that Congress had no power to interfere with slavery in the states, and the North faithfully adhered to this decision.[1] The prompt and almost unanimous passage of the act prohibiting the importation of slaves after January 1, 1808, the time when the constitutional limitation would expire, seemed to end the slavery question, and "the abolition societies which existed in all of the states as far south as Virginia died out; it seemed as if their occupation was gone."[2]

There was a growing conviction that slavery was in a decline,[3] and Jefferson and Madison proposed and hoped to colonize the slaves of Virginia in Sierra Leone. But when the Missouri question came up, the cotton gin and the fugitive slave law—brought forth in the same year—had been at work, gradually changing commercial conditions and moral attitudes, for twenty-five years.

From the time of the invention of the cotton gin till slavery agitation culminated in secession in 1860 the production of cotton increased a thousand fold. In 1860 its total product was twelve times that of sugar and thirty-five times that of rice; and to the raising of cotton it was believed that slave labor was indispensable. "Cotton fostered slavery; slavery was the cause of the war between the states. That slavery is a blessing and cotton is king were associated ideas with which the southern mind was imbued before the war. On the floor of the Senate it was declared that cotton had vanquished all powers, and that its supremacy could no longer be doubted."[4]

Thus the slavery issue was as selfishly sectional and commercial as the tariff issue, which precipitated nullification in 1832 and has kept the country in a state of sectional embroilment ever since. Previous to the war political policies were controlled by the Northeast and the South. The Northeast was adapted to manu-

[1] Annals of Congress, vol. 2, p. 1473.

[2] Rhodes, History of the United States, vol. 1, p. 29.

[3] Schouler, History of the United States, vol. 2, p. 66.

[4] Rhodes, History of the United States, vol. 1, p. 27.

facturing, for which slave labor was unfit, and so the Northeast eschewed slavery and chose a tariff subsidy instead. The South believed that it could only raise the raw material for which slave labor was essential, and so refused to pay New England's tariff subsidy, and clung to slavery. The same immoral principle in kind was involved in both policies, but it differed in degree, and to the disadvantage of the South; and on this point the Northwest, holding the balance of power, sided with the Northeast, and the South was loser. It was insisted also that the growth of slavery was inherently essential to its life and, in turn, demanded its territorial expansion. To further this end, in the Missouri controversy Clay contended that this spreading policy was philanthropic and would mitigate the evils of crowded confinement within the old states, and Jefferson, in his anxiety to ameliorate the condition of the slaves, since he now despaired of the practicability of abolishing slavery, lent his approval to this theory of dilution.[1]

In 1820 Missouri had a free population of fifty-six thousand and ten thousand slaves. In those days at least no odium of being dedicated to commercialism attached to New York, for she furnished the leaders in this first great anti-slavery battle—Tallmadge and Taylor in the House and Rufus King in the Senate. To illustrate so momentous an event possibly Schouler's partial rhetoric is not too highly colored. Referring to Tallmadge's advocacy of the restriction amendment to the Missouri enabling act, which he had offered, the historian says:

"His torch kindled this great conflagration. A young man of seemingly frail health, but of burning eloquence and seemingly deep conviction, his national service was limited to a single term . . . for he declined a reelection. His crowded hour here was one of glorious life; he blew one loud, shivering blast and then passed out to be heard no more."[2]

But this panegyric is faulty in its implication that the North was the aggressor in the Missouri struggle; and the contrary contention has been urged by the highest authority: "In that section (the North) the status of slavery had long been regarded as settled. No one supposed for a moment that another slave state would ever be added to the Union."[3] "The Missouri compromise was a southern measure. Its passage was considered at the time as in the interests of the South, for it gained immediately a slave state in Missouri, and by implication another in Arkansas, while the settlement of the northern portion of the territory was looked upon as remote."[4]

On the other hand, as late as 1836, John Quincy Adams, a stout and consistent opponent of the expansion of slavery, in advocating the admission of Arkansas as a slave state, quoted the Louisiana treaty, which provided that the inhabitants were to be "incorporated in the Union and admitted as soon as possible to enjoy all the rights, advantages, and immunities of the United States." And he held that, "As congress have not the power to abolish slavery in the original states of the Union, they are equally destitute of power in those parts of the territories ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition." And Mr. Adams also said that he had favored the admission of Missouri on this ground, though he also favored the restriction of the compromise as to the rest of the territory.

But there is no doubt that the conflict which began over the Missouri question was irrepressible, and a few statesmen at least so interpreted and feared it. From Jefferson in his retirement at Monticello came the cry that it was "the knell of the Union"; and Clay lamented that "the words civil war and disunion are uttered almost without emotion." It was in the very nature of things that the North should stand against the aggressive expansion spirit of the South; and now that the northern obstructionists had outgrown the determined propagators of slavery, outnum-

[1] Writings of Jefferson, vol. 10, p. 158.

[2] Schouler, History of the United States, vol. 3, p. 103.

[3] McMaster, History of the People of the United States, vol. 4, p. 576.

[4] Rhodes, History of the United States, vol. 1, p. 37.

bering them in the House of Representatives by twenty-nine members, the obstruction was the more exasperating. Tallmadge's amendment passed the House by eighty-seven to seventy-six, notwithstanding the great adverse influence of Clay who was then speaker; but it was lost in the Senate, and the bill for the time was dead. The bill for admitting Missouri as a slave state was passed March 6, 1820. The three points of the compromise were as follows: (1) The Senate should consent to the division of the bill for the admission of both Maine and Missouri; (2) the House should yield on the restriction of slavery in Missouri; (3) both houses should consent to the admission of Missouri with slavery, but forever restrict it from all the Louisiana territory north of the parallel 36° 30′—the extension of the southern boundary of Missouri. John Randolph dubbed the fifteen northern members who voted against the restriction of slavery in Missouri "dough faces," and the epithet stuck to them and their kind till the death of the slavery question. Every member of Monroe's cabinet answered yes to his question whether Congress had the constitutional power to prohibit slavery in the territories. John Quincy Adams thought that this power extended to statehood as well, while Crawford, Calhoun, and Wirt thought it was limited to the territorial status alone. This difference was portentous of trouble to come.

The constitution offered by Missouri forbade the state legislature to interfere with slavery, and required it to pass laws prohibiting free colored people from settling in the state. The anti-slavery element in the House was of course opposed to these provisions, and it seemed as if the whole question would be reopened. But in 1821 Clay succeeded in smoothing over the difficulty by a stipulation that the Missouri legislature assent to a condition that the exclusion clause of the constitution should never be construed to authorize the passage of any law, and that no law should ever be passed, by which a citizen of any state should be deprived of any privileges and immunities to which he was entitled under the Constitution of the United States. The legislature coupled to its assent to this fundamental condition the ungracious declaration that it was an invalid requirement and not binding upon the state. But the restive territory at last came into the Union by the proclamation of the president, August 10, 1821.

The second great slavery compromise took place in 1850, and the controversy which it temporarily settled arose directly out of the question of territorial organization for New Mexico and Utah. This portion of the country had been acquired by the Mexican war and therefore was outside of the Louisiana Purchase, and so appertains to our subject only as it leads up directly to the Nebraska bill. The first contest over the expansion of our territory arose out of the determination of the pro-slavery element to annex Texas. Webster and Clay, the great Whig leaders, and the Van Buren element of the Democracy were opposed to annexation. Van Buren lost renomination for the presidency through his opposition, and Clay, alarmed at the power and determination of the South, lost the election to Polk by retreating from his positive ground and attempting to get on both sides. The annexation of Texas was chiefly due to Calhoun, Tyler's secretary of state, and he boldly advocated it on the ground that it was necessary to the preservation of slavery.[1] Under Polk the Democratic party, for the first time, was in the hands of the southern element and committed to the now aggressive policy of slavery extension, and under this policy war with Mexico was deliberately provoked, and the annexation of the vast territory between the Louisiana purchase and the Pacific ocean brought about. The great northern leaders opposed this acquisition—or "robbery of a realm," as Channing put it. Webster based his opposition ostensibly on the general principle of non-expansion. In a speech before the Whig state convention at Boston, September 29, 1847, he denounced the war as unnecessary and therefore unjustifiable.[2]

[1] Cox, Three Decades of Federal Legislation, p. 46.

[2] *Niles's Register*, vol. 73, p. 104.

"I should deprecate any great extension of our domains. . . . I think that thus far we have a sort of identity and similarity of character that holds us together pretty well. . . . I do not know how we can preserve that feeling of common country if we extend it to California. . . . I say at once that unless the president of the United States shall make out a case that the war is not prosecuted for the purpose of acquisition of dominion, for no purpose not connected directly with the safety of the union, then they (the whig house of representatives) ought not to grant any further supplies."[1]

To what a truly "little American" must such sentiments reduce the "god-like Webster" in the eyes of the present-day expansionist! But slavery extension was firmly in the saddle, and only to be unhorsed by the shock of war. Calhoun boldly brushed aside his assent in Monroe's cabinet to the constitutionality and binding force of the restriction of slavery in the territories by the Missouri compromise, which the tell-tale diary of John Quincy Adams has disclosed, and insisted that as soon as the treaty with Mexico was ratified the sovereignty of Mexico became extinct and that of the United States was substituted, "carrying with it the Constitution with its overriding control over all the laws and institutions of Mexico inconsistent with it."[2] The continuation of slavery in Arkansas and Missouri had been defended on constitutional ground because it existed there under Spanish and French law at the time of the cession. By parity of reasoning, therefore, slavery should not be extended into the newly acquired Mexican territory because it had been formally abolished throughout the Mexican domains by the Mexican government. But with Calhoun necessity was a prolific mother of invention.

Webster in his speech on the admission of Oregon as a free state, August 12, 1848, reminded the South that already five slave states had been admitted from territory not contemplated when the Constitution was formed, and since slave labor and free labor could not exist together the inequality would be on the side of the North in northern territory. He pointed out, in opposition to Calhoun's sweeping doctrine, that slavery rested on purely local law and was against natural law. Under the Roman law and the law of all mankind a person was presumed to be free till it was proven that he was a slave. But his most important proposition was this:

"Congress has full power over the subject. It may establish any such government, and any such laws in the territories as in its discretion it may see fit. It is subject of course to the rules of justice and propriety; but it is under no constitutional restraints."[3]

Calhoun, who, when the question of the territorial organization of New Mexico and Utah arose, had come to be representative of the South, demanded equal rights for slavery in the newly acquired territory, actual return of fugitive slaves, and that agitation of the slave question should cease. The New Mexico and Utah bill was a compromise with the first demand in providing that when these territories came to be admitted as states they should come in with or without slavery as their constitutions might prescribe; it yielded to the second demand by greatly strengthening the fugitive slave law; and as to the third demand—that was beyond the power or reach of any human agency. The compromise of 1850, then, led the way directly to the third and last compromise of the slavery extension question—the Kansas-Nebraska bill. It was a natural, if not an easy step, for "squatter sovereignty" from this outside territory where it had been enthroned over into the jurisdiction of the Missouri compromise. The alignment of parties, or rather of sections, on the slavery extension question at this time is shown by the vote for the admission of California as a free state. The ayes were composed of fifteen northern democrats, eleven northern whigs, four southern whigs, and Salmon P. Chase, John P. Hale, Thomas H. Benton, and Houston of Texas. The nays were all from slave states, and all democrats but three. The questions of the compromise were, the organization of the territories of New Mexico and Utah without the Wilmot

[1] *Niles's Register*, vol. 73, p. 106. [2] Ibid., vol. 74, p. 61.

[3] Webster's works, vol. 5, p. 311.

proviso, that is, without any restriction as to slavery, the admission of California as a free state, the abolition of the slave trade in the District of Columbia, adjustment of the Texas boundary dispute, and strengthening of the fugitive slave law. There has never been an array of giants in debate in Congress equal to those who discussed the compromise of 1850. Among its supporters were Webster, Clay, Cass, and Douglas; and among its opponents, Calhoun, Seward, Chase, Hale, Benton, and Jefferson Davis. Calhoun's speech in opposition was his last in the Senate, and he died before the bill finally passed. It was the last struggle also of Clay and Webster. Clay died in 1852, two weeks after the Whig convention had set him aside for General Scott as the candidate for president, and Webster died four months later "the victim of personal disappointment."[1]

The slavery question, which had been twice compromised with such futility, in 1820 and 1850, was more acute than ever in the contest over the Nebraska bill, and was now fitly characterized by Seward as the "irrepressible conflict." The death of Webster, Clay, and Calhoun left Douglas easily in the ascendency as leader and effective debater.

"His blue eyes and dark, abundant hair heightened the physical charm of boyishness; his virile movements, his face, heavy-browed, round, and strong, and his well-formed, extraordinarily large head gave him the aspect of intellectual power. He had a truly Napoleon trick of attaching men to his fortunes. He was a born leader beyond question."[2]

This commanding physical equipment was completed by his firm, rich, and powerful voice. Douglas certainly strongly resembled Napoleon in his boldness and brilliancy in giving battle and his wonderful successes; and in his tragical personal defeat, which was the concomitant of his brilliant victory in the Kansas-Nebraska campaign, there is a strong reminder of Waterloo. Douglas was the pioneer projector of a territorial organization for Nebraska. As early as 1844 he introduced a bill in the House of Representatives "to establish the territory of Nebraska," which was read twice and referred to the committee on territories from which it was not reported.[3] In March, 1848, he introduced a bill of the same purport which was recommitted on his own motion in the following December, and, like its predecessor in the House, was pigeonholed by the committee.[4]

The boundaries of the proposed territory in the bill of 1844 were as follows:

"Commencing at the junction of the Kansas with the Missouri river; thence following the channel of the Missouri river to its confluence with the Qui Court, or Running Water river; thence following up the latter river to the 43d degree of north latitude; thence due west to the summit of the grand chain of the Rocky mountains; thence due south to the 42d degree of latitude; thence pursuing the line agreed upon between Spain and the United States, February 22, 1819, as the boundary between the territories of the two countries, to the 100th degree of longitude west from Greenwich; thence following the course of the Arkansas river until it intersects the 38th parallel of latitude at a point east of the 98th degree of longitude; thence due east on the 38th parallel to the boundary line of the state of Missouri; thence north on the said boundary line of the state of Missouri to the place of beginning."[5]

Following are the boundaries of the bill of 1848:

"Commencing at a point in the Missouri river where the 40th parallel of north latitude crosses said river; thence following up the main channel of said river to the 43d parallel of north latitude; thence west on said parallel to the summit of the Rocky mountains; thence due south to the 40th parallel of north latitude; thence east on said parallel to the place of beginning."[6]

Why Douglas should have projected these measures so much before their time, or, to put it another way, why so forceful a member as Douglas should have done so little

[1] Schouler, History of the United States, vol. 5, p. 246.

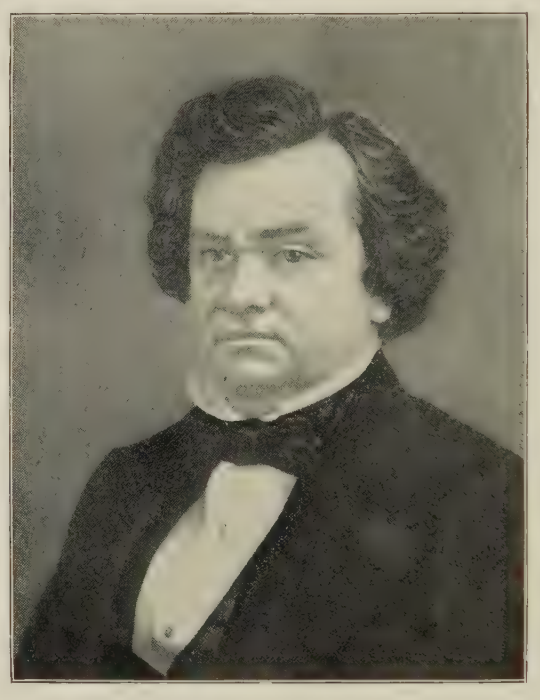
[2] Stephen A. Douglas (Brown), Riverside Biographical Series, p. 21.

[3] *Cong. Globe*, 2d Sess., 28th Cong., p. 41.

[4] *Cong. Globe*, 2d Sess., 30th Cong., pp. 1, 68.

[5-6] These boundaries are from the original bills on file at Washington, and never before published.

with them has been superficially regarded as inexplicable except by the assumption that from the first his motive was to further the scheme of the South for the extension of slavery. But inspiring the origin and running through the entire long campaign for the organization of Nebraska we find the strong and steady purpose of commercial enterprise. Chicago, where Douglas lived, was already the potential base of northwestern commercial conquest and development. In 1844 the state of Illinois was already well settled, and the territory of Iowa had become important in population as well as promise. The quick eye of business interest already saw that the Missouri river would soon be the terminus of railway lines leading from Chicago. Whitney had come home from Europe in 1844 enthusiastic in the conviction of the need and practicability of a railway to the Pacific, and as early as January, 1845, he memorialized both houses of Congress in favor of such a project, and from that time on the national legislature was bombarded with influences in its favor. The representatives in Congress from Illinois and Iowa could now see the importance of making the most of this border territory. Douglas, as chairman of the committee on territories, was the natural agent and spokesman for these interests. He afterward explained his seemingly premature action in introducing the organization bill of 1844 by saying that he served it on the secretary of war as notice that he must not locate any more Indians there, and by repeating this notice he prevented action for ten years.[1] He said also that the Atlantic states opposed opening Nebraska to settlement out of jealousy, and that both political parties had the power to defeat the Kansas-Nebraska bill by making new Indian treaties, and "I was afraid of letting that slip."



STEPHEN A. DOUGLAS[4]

In December, 1851, Willard P. Hall, member of the House from Missouri, gave notice of a bill for the same purpose,[2] and although Missouri statesmen favored the organization of the territory on their western border at the earliest time, and Mr. Hall actively supported the successful measure in 1854, his own bill seems to have perished by neglect. Mr. Hall also introduced a bill for the organization of the Territory of the Platte on the 13th of December, 1852,[3] but it was never reported from the committee. The introduction of a bill by this leading member of the lower house from Missouri so shortly before the completion of the Kansas-Nebraska bill, and which made no reference to slavery or the repeal of the compromise, illustrates the indifference to that question then existing in that state, and also the complete dominance in the public mind of the name Nebraska, or its French substitute, for the country in question.

From the time the region of the Platte valley became known to white men till it was politically divided by the Kansas-Nebraska act, the name of its principal river was applied, roughly speaking, to the country between the water-shed of the Platte and Arkansas rivers on the south and the 43d

[1] Constitutional and Party Questions, J. M. Cutts, pp. 90–92, inclusive.
[2] *Cong. Globe*, vol. 24, pt. 1, p. 80.
[3] *Cong. Globe*, vol. 26, p. 47.
[4] For biography see foot-note 1, p. 159.

parallel on the north, the Missouri river on the east, and the Rocky mountains on the west. It was "the Nebraska country."

On February 2, 1853, William A. Richardson, member of the House from Illinois, and who, after the death of Douglas in 1861, was elected to fill a portion of his unexpired senatorial term, introduced house bill No. 353, "to organize the territory of Nebraska."[1] This bill, which made no reference to slavery, passed the house February 10, 1853, by a vote of 98 to 43. The northern boundary of the territory described in this bill was the 43d parallel, the present boundary of Nebraska on that side, its eastern limit was the west line of Missouri and Iowa, its southern, the territory of New Mexico and the parallel of 36° 30′, and its western, the summit of the Rocky mountains.[2] The bill underwent an extended and spirited debate which throws an interesting light on the condition of the territory and of politics at that time. It appears from the debate that the Indian affairs of the territory were under the jurisdiction of the superintendent at St. Louis, and that all Indians located immediately along the Missouri frontier had been removed there from their eastern habitat.[3] Mr. Brooks of New York objected strongly to the bill on the ground that the government had no right to take possession of the territory because the Indian title to it had not been extinguished.[4] In reply to this objection, Mr. Hall of Missouri, who was an ardent lieutenant of Douglas and Richardson in their enterprise, said that a tract forty miles wide and three hundred miles long, running along the border of Missouri, had been set aside for the Indians by treaty and was occupied by twelve thousand to fourteen thousand of them; a strip of about the same extent, called neutral, was not occupied; as to the rest of the territory it was in the same situation as that of Oregon, Utah, Wisconsin, Minnesota, and Iowa when they were organized. Mr. Hall said that by the act of 1834 all the territory west of the Mississippi river, except the states of Missouri and Louisiana and the territory of Arkansas, was erected into what was called Indian territory. Under the operation of that law our people were not permitted to enter that territory at all without a license from the executive of the government or his agent. As a result the occupants were limited to about five hundred licensed persons, and yet as many as fifty or sixty thousand people passed through this country annually on the way to Oregon, California, Utah, and New Mexico, under the protection of no law, and murders and other crimes were perpetrated. If we desired to protect this travel we must organize the territory and extinguish the Indian title. When Mr. Brooks insisted that this was the first time that a territorial bill had ever been introduced to establish government over territory to which the Indian title had not been extinguished in any part and over a people who do not exist there, Phelps, Richardson, and Hall held out that the Indian title had not been extinguished in any of the territories when they were organized. Brooks persisted in his demand to know the population of the proposed territory, and Richardson replied that it was not over one thousand two hundred.

Mr. Howe (Pennsylvania) taunted Joshua Giddings on neglecting to insert the anti-slavery provision of the Ordinance of 1787 in the bill, and wanted to know if it was on account of the national party platforms of 1852, which had dodged the slavery question. Giddings retorted by reading the restriction of the Missouri compromise and said: "This law stands perpetually, and I did not think that this act would receive any increased validity by a reenactment. . . . It is very clear that the territory included in that treaty must be forever free unless the law be repealed."

When asked by Mr. Howe if he did not remember a compromise since that time (1850), Giddings replied that it did not affect this question; and, illustrating the then temperate spirit of anti-slavery statesmen, Mr.

[1] *Cong. Globe*, vol. 26, p. 474.
[2] House Roll, 353.
[3] *Cong. Globe*, vol. 26, pp. 442–43.
[4] Ibid., p. 543.

Giddings added, "I am not in the habit of agitating these questions of slavery unless drawn into it."[1]

When Sweetzer (Ohio) moved to strike out the part of the bill which provided for the making of treaties with Indians to extinguish their title, because it was time "to let the country know that it is our policy to plunder these people; not make a mockery anew by the pretense of a treaty," Hall protested that while Sweetzer might be correct in holding that the Indians should be incorporated as citizens, yet a territory large enough for two or three large states should not be given up to ten or twelve thousand Indians. He thought a portion of the territory had been secured by treaty with the Kansas Indians, but that so far there was no controversy between the Indians and the government. Mr. Howard said that the treaty of 1825 had given the Ohio and Missouri Shawnees fifty miles square, and the Kansas Indians had also selected a tract of the same area on the Missouri river under treaty.[2]

Howard (Texas) said the territory had 340,000 square miles and not over six hundred white people, that the bill violated treaties with eighteen tribes[3] who had been moved west of the Mississippi river, to whom the government had guaranteed that they should never be included in any state or territory. Monroe had begun this policy in 1825, and Jackson had matured and carried it out under the act of 1830. The Indians, he said, would be surrounded by the white men's government, which would force them to come under the jurisdiction of white men's laws or suffer their tribal organization to be destroyed. There would be no country left for other tribes east of the Rocky mountains and west of the Mississippi river. It was Great Britain's policy to concede to Indians the right to occupancy but not to the fee, while Spain conceded neither.[4] Hall then charged Howard with the design of settling the Comanches and other wild tribes of Texas in Nebraska territory, which would drive the overland routes from Missouri and Iowa to Texas; and he urged that,

"If in course of time a great railroad should be found necessary from this part of the continent to the shore of the Pacific, and the doctrine prevails that all the territory west of the Missouri river is to be a wilderness from this day, henceforth and forever, Texas being settled, this country will have no alternative but to make the Pacific road terminate at Galveston or some other point in Texas."

Mr. Hall insisted that Howard's argument meant that "we should never settle Nebraska at all," and that white settlement must be extended to the mountains to keep in touch with California and Oregon for the protection of the Union and of travel across the plains. He quoted from Medill, the late commissioner of Indian affairs, who urged that the Omahas, "Ottoes," and "Missourias" be moved so as to be with the Osages and "Kanzas," because they were circumscribed in hunting by the Pawnees and Sioux and often attacked and murdered by the tribe last named.

"The Pawnees all should be removed north of the Platte, and the Sioux of the Missouri restrained from coming south of that river, so that there would be a wide and safe passage for our Oregon emigrants and for such of those to California as may prefer to take that route, which, I am informed, will probably be the case with many."

Howard argued that we should negotiate with the Indians before violating our treaties with them by organizing a territorial government over lands which they occupied. To the objections of Clingman (North Carolina) that there were only from six hundred to nine hundred inhabitants in the proposed territory, Hall replied that it was because the law prevented a white man from settling there, "and if he does a company of dragoons will run him out." There would be thirty thousand or forty thousand people there within three or four months after there was a territorial organization to protect them. The southern

[1] *Cong. Globe*, vol. 26, p. 543.
[2] Ibid., p. 544.
[3] *Cong. Globe*, vol. 26, p. 556, for names of tribes.
[4] Ibid., p. 558.

line went down to 36° 30′, he explained, because the route from Missouri to New Mexico crossed that line, and that travel must be protected.

Sutherland (New York), imbued with the characteristic spirit of the Northeast, and especially of New England, in relation to western expansion, argued that it was bad policy to take in more lands and encourage emigration from the states which were still so largely unoccupied. The eleven landed states, as he called them, of Alabama, Arkansas, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Mississippi, Missouri, and Wisconsin had 137,000,000 acres of unimproved lands in the hands of private owners and 200,000,000 acres of public lands. Richardson retorted that this was the argument of Fisher Ames over again, and charged the eastern members with fear of opening the better lands of the West in competition with their own. He thought the best way was to give the people a chance to make their own choice.

The Senate committee on territories was composed of Douglas, Johnson of Arkansas, Jones of Iowa, Houston[1] of Texas, democrats, and Bell and Everett, whigs. Douglas dominated the committee. The three members last named were opposed to the Nebraska bill. On the 17th of February Douglas reported the bill as it came from the House without amendment, and March 2 he tried to get it up for consideration, and complained that for two years the Senate had refused to hear a territorial bill. Rusk of Texas bitterly opposed the bill, and said that its passage would "drive the Indians back on us," and it failed of consideration by a vote of twenty to twenty-five, all but five of those opposed—including two from Delaware—being of the South. Of the southern senators only the two from Missouri favored the bill.[2]

Senator Atchison's remarks on the 3d of March are notable as a remarkable contribution to the theory of the inviolability of the Missouri compromise, and also as being the only serious reference in the whole debate to the slavery question. In the early part of the session he had seen two objections to the bill, namely, the fact that the title of the Indians had not been extinguished and the Missouri compromise. It was very clear to him that the law of Congress passed when Missouri was admitted into the Union, excluding slavery from the territory of Louisiana north of 36° 30′, would be enforced in that territory unless it was specially rescinded, and, whether constitutional or not, would do its work, and that work would preclude slaveholders from going into that territory. But when he came to look into the question he saw no prospect of the repeal of the Missouri compromise. But for this he would oppose organization of the territory unless his constituency and all people of the South could go into it carrying their slaves with them. But he had no hope that the restriction would ever be repealed. The first great error in the political history of the country was the Ordinance of 1787, making the Northwest territory free; the second was the Missouri compromise. He did not like the competition in agriculture with his own state which would follow the organization of the territory, but population would go into every habitable part of the territory in a very few years in defiance of the government, so it might as well be let in now.[3]

Houston made a flamboyant speech against the bill, entirely devoted to the wrongs of the Indians which its passage would involve, and Bell (Tennessee) spoke along the same line, and urged that there was no necessity for territorial organization.[4] Douglas closed the debate showing that the provisions of the bill did not include the land of any Indian tribe without their consent (it had been so amended in the House), and he said, "It is an act very dear to my heart." He had presented a bill eight years before in the House and had been pressing it ever since. But on the 3d of March the motion to take up the bill was laid on the table by a vote of twenty-three to seventeen, and it was never revived in that form.

[1] Gen. Sam Houston, the hero of San Jacinto.

[2] *Cong. Globe*, vol. 26, p. 1020.

[3] *Cong. Globe*, vol. 26, p. 1113.

[4] Ibid., p. 1115.

The debate, especially that of the House, discloses that the border states north and south were fighting for advantage in the traffic to the Pacific coast and in the location of the then somewhat dimly prospective Pacific railway. This real objection to the measure on the part of the southern states seems to have been largely veiled by an ostensibly very philanthropic regard for the fate of the Indian; but it seems scarcely possible that finesse could have been so adroitly spun and spread so far as to have concealed the consideration of the admission of more free territory as the real objection on the part of the South. On the other hand, the prompt report which Douglas made from his committee early in the next session of Congress, recommending the squatter sovereignty compromise, indicates that he had discovered not only that the South, in part at least, had decided to press the slavery objection, but the way to meet it—unless indeed this compromise was a gratuitous sop thrown to the South as a bid for its favor to his political fortunes. In a speech at Atchison during the vacation, September 24, 1854, Senator Atchison, in a bibulous burst of confidence, said that he had forced Douglas to change his tactics and adopt the compromise.[1] While this claim shames the wily senator's frank disclaimer at the last session, alluded to above, it is entirely consistent with his leadership in the subsequent attempt to make the most of the compromise by forcing Kansas into the Union as a slave state.

At a meeting, in Platte county, Missouri, Atchison spoke in the same vein. The sentiment and determination of the western border Missourians whom he represented were expressed in the following declaration: "Resolved, that if the territory shall be opened to settlement we pledge ourselves to each other to extend the institutions of Missouri over the territory, at whatever cost of blood or treasure." There was a very large slave population in these border counties, amounting, it is said, to as many as seventeen thousand, and the fears freely expressed by Atchison and others that this property, and so the system under which it was held, would be seriously menaced if the immediately adjoining territory of Kansas should be made free, were no doubt well founded. And yet solicitude about this matter seems to have been confined to a few, and there is evidence that indifference was the rule rather than the exception. This is illustrated by the fact that the members of the House of Representatives from Missouri left to the members of Congress of Iowa to insist on the division of the territory.

The sweeping dictum that, "Douglas was a man of too much independence to suffer the dictation of Atchison, Toombs, or Stephens,"[2] is rather beside the question, and seems to be virtually contradicted by its author when he shows how readily Douglas yielded to the radical and momentous amendment of Dixon, a lesser man than either of the three above named, for the total repeal of the Missouri restriction, when Douglas spoke "in an earnest and touching manner," so that "it was a pretty comedy. The words of Douglas were those of a self-denying patriot, and not those of a man who was sacrificing the peace of his country, and, as it turned out, the success of his party, to his own personal ambition."

Early in the session of the next Congress, December 14, 1853, Senator Dodge of Iowa, apparently acting in concert with the committee on territories of which Douglas was chairman, introduced a bill to organize the territory of Nebraska which should comprise "all that part of the territory of the United States included between the summit of the Rocky mountains on the west, the states of Missouri and Iowa on the east, the 43° 30′ of north latitude on the north, and the territory of New Mexico and the parallel of 36° 30′ north latitude on the south."[3] This bill contained no reference to slavery. "The simple bill which Dodge introduced has undergone very important changes," said Chase, in asking for more time to consider the committee's substitute.[4]

[1] Rhodes, History of the United States, vol. 1, p. 431.

[2] Ibid., p. 432.

[3] Senate Bill No. 22, 1853.

[4] *Cong. Globe*, vol. 28, pt. 1, p. 239.

On the 4th of January following, the committee on territories, through Douglas, reported the bill of Dodge in the form of a substitute, in which the proposed territory embraced all that part of the territory of Minnesota which lay between the Mississippi river on the east and the northern boundary of Iowa and the Missouri and White Earth rivers on the south and west; and Ft. Leavenworth, then a military station, was designated as the capital.[1] A leading historian commits the error of including within this proposed territory of Nebraska the area now comprised in the states of Kansas, Nebraska, the Dakotas, Montana, and part of Colorado and Wyoming, which "contained 485,000 square miles, a territory larger by thirty-three thousand square miles than all the free states in the Union east of the Rocky mountains."[2] That larger part of the Dakotas lying east of the Missouri, however, belonged to Minnesota, and a corner of Wyoming was not included in "the purchase." But the area in square miles as given is approximately correct.

The committee's bill contained the compromise provision of the Utah and New Mexico bills, that the territory of Nebraska or any portion of the same when admitted as a state or states "shall be received into the Union with or without slavery as their constitution may prescribe at the time of their admission." Accompanying the bill was a formal report in which Douglas explained why the provisions relating to slavery were inserted. He points out that "eminent statesmen hold that Congress is invested with no rightful authority to legislate upon the subject of slavery in the territories, and that therefore the eighth section of the Missouri compromise is null and void;" while "the prevailing sentiment in large sections of the Union sustains the doctrine that the Constitution of the United States secures to every citizen an inalienable right to move into any of the territories with his property of whatever kind and description and to hold and enjoy the same under the sanction of law. . . Under this section, as in the case of the Mexican law in New Mexico and Utah, it is a disputed point whether slavery is prohibited in the new country by valid enactment. As congress deemed it wise and prudent to refrain from deciding the matters in controversy then, (1850), either by affirming or repealing the Mexican laws or by an act declaratory of the true intent of the constitution and the extent of the protection afforded by it to slave property in the territories, your committee are not prepared now to recommend a departure from the course pursued on that memorable occasion either by affirming or repealing the eighth section of the Missouri act, or by any act declaratory of the meaning of the constitution in respect to the legal points in dispute."[3]

After the bill was reported it was amended by the addition of the concluding part of the committee's report, which was declaratory of the meaning of the compromise of 1850, as follows:

"First—That all questions pertaining to slavery in the territories and the new states to be formed therefrom, are to be left to the decision of the people residing therein, by their appropriate representatives, to be chosen by them for that purpose.

"Second—That 'all cases involving title to slaves' and 'questions of personal freedom' are to be referred to the jurisdiction of the local tribunals, with the right of appeal to the supreme court of the United States.

"Third—That the provision of the constitution of the United States in respect to fugitives from service is to be carried into faithful execution in all 'the organized territories' the same as in the states."

On the 16th day of January Dixon of Kentucky fortified the indirect setting aside of the Missouri compromise by the popular sovereignty provision of the bill by moving an

[1] *Cong. Globe*, vol 28, pt. 1, p. 222.

[2] Rhodes, History of the United States, vol. 1, p. 426. There are also two material errors in the description of the boundaries of the territories of Nebraska and Kansas in p. 222, pt. 1, vol. 28, *Cong. Globe*. The boundaries given in the bills here referred to have been obtained by examination of the bills on file in the capitol at Washington, as none of them, excepting the last one, which passed, were officially published.

[3] Senate reports, 1st Sess., 33d Cong., no. 15.

amendment explicitly repealing the anti-slavery clause of the compromise. If it is true that "the Senate was astonished and Douglas was startled"[1] their emotions must have been due to being brought face to face with the spectacular plainness of the meaning of the indirect repeal already incorporated in the bill. The popular sovereignty clause of the Nebraska bill was absolutely inconsistent with the Missouri restriction and applied to all the territory affected by it except the part of the Dakotas lying east of the Missouri river, and which would be hopelessly anti-slavery under the popular choice. Moreover, this very area had been embraced in the territory of Wisconsin by the act of 1836, in which was incorporated the slavery interdiction of the Ordinance of 1787; and this interdiction seems to have been passed on when the territory fell to Minnesota in 1849, where it remained when the Missouri compromise was repealed by the Kansas-Nebraska act. It seems still less accurate, or still more misleading, in the attempt to exaggerate the importance of the formal repeal of the Missouri compromise, to say, touching Douglas's 4th of January bill, that, "The South was insulted by the pretense of legalizing slavery in territory already by the Missouri compromise preempted for freedom;"[2] for the report of Douglas "closed with a proposition which certainly set it (the compromise) aside;"[3] and this very proposition was appended to the 4th of January bill.

Nor is the ground for the statement that, "So long as the Missouri compromise remained the law of the land slavery could have no legal recognition in Nebraska while it was yet a territory" discoverable; for the 4th of January bill provided, as we have seen, "That all questions pertaining to slavery in the territories . . . are to be left to the decision of the people residing therein." Eastern writers seem to have conceived it to be an *a priori* virtue to be offended at the virile strenuosity of this remarkable western leader, and they seem to write under the compulsion of arriving at the conclusion that "in the view of Douglas moral ideas had no place in politics."[4] For the great part which Clay played in the compromise of 1850 there is palliation where there is not praise, and we are told that it is probable that "the matured historical view will be that Webster's position as to the application of the Wilmot proviso was statesmanship of the highest order." Though Clay, like Webster, was a constant candidate for the presidency, and bore a potent part in the two great compromises with slavery aggression, which were bitterly assailed by anti-slavery sentiment, he is awarded the meed of patriotic motive and achievement, while the similar action of Douglas is written down as a mere "bid for southern support in the next democratic convention."[5] By a sort of pneumatic method he is summarily rejected from the company of respectable statesmen, or politicians even, with the brand of "Stephen Arnold Douglas—with accent on that second name."[6]

This last is a good example of the overworking of a bias, a predilection, or a tortured emotion which one almost expects of the author. Another historian is fairer in describing the great 3d of March speech:

"The appearance of Douglas was striking. Though very short in stature, he had an enormous head, and when he rose to take arms against a sea of troubles which opposed him, he was the very picture of intellectual force. Always a splendid fighter, he seemed this night like a gladiator who contended against great odds; for while he was backed by thirty-seven senators, among his opponents were the ablest men of the senate, and their arguments must be answered if he expected to ride out the storm which had been raised against him. Never in the United States, in the arena of debates had a bad cause been more splendidly advocated; never more effectively was the worse made to appear the better reason."[7]

[1] Rhodes, History of the United States, vol. 1, p. 433.

[2] Political Parties in the United States (Macy), p. 189.

[3] Rhodes, History of the United States, vol. 1, p. 428.

[4] Rhodes, History of the United States, vol. 1, p. 431.

[5] Ibid., p. 430.

[6] Schouler, History of the United States, vol. 5, p. 285.

[7] Rhodes, History of the United States, vol. 1, p. 471.

These estimates of the author of Nebraska's political beginning by standard historians of to-day seem pertinent here as affording the latest and thus far the best view of his character and of his motives in the prologue to the great national tragedy which followed the Nebraska contest. But they also indicate that a remove of a single generation from the culminating scenes of the struggle over slavery does not serve entirely to separate the northern writer from northern prejudice and partisanship. The serious charge against Douglas is that he initiated the Nebraska bill, which grew into the Kansas-Nebraska act, including the repeal of the Missouri compromise, of his own volition, and, by so doing, to ingratiate himself with the South for the selfish furtherance of his presidential ambition, he deliberately disturbed the repose which had been established by the compromise of 1850, and which President Pierce had promised in his late message should "suffer no shock during my official term, if I have power to prevent it." There is much reason for believing that Douglas was aware that southern politicians would press for adherence to the principles of the latest compromise, and that, instead of accepting it in the way of a compromise, as Clay or Webster would have done, at an earlier time, by his imperious method he took the lead and pressed what he saw was a necessary concession as a positive measure of his own. Moreover, the debate shows that the question whether Douglas acted in bad faith in reference to the Missouri compromise at least remained an open one, and with the technical or formal advantage with Douglas. In his speech in the Senate, February 29, 1860, he said:

WILLIAM WALKER AT THE AGE OF 33[1]
PROVISIONAL GOVERNOR OF THE PROPOSED TERRITORY OF NEBRASKA, 1853
Engraving from a photograph owned by the Nebraska State Historical Society

"It was the defeat in the House of Representatives of the enactment of the bill to extend the Missouri compromise to the Pacific ocean, after it had passed the senate on my own motion, that opened the controversy of 1850, which was terminated by the adoption of the measures of that year. . . . Both

[1] William Walker, first provisional governor of the proposed territory of Nebraska, was the son of William and Catherine (Rankin) Walker, and was born in what is now Wayne county, Michigan, March 5, 1800. William Walker, Sr., a Virginian by birth, was captured by a war party of Delaware Indians when a small boy, and later was adopted by Adam Brown, chief of the Wyandots, a white man who had, when a boy, been abducted by that tribe. His wife, Catherine Rankin, was a member of the Wyandot nation, of the Big Turtle clan. William Walker had two Indian names. The first was Hah-shah'-rehs, meaning "the stream overfull;" the second was Seh'-tah-roh, meaning "bright," and is taken from the brightness of the turtle's eye when seen in clear water. He was given a good education at a Methodist school at Worthington, Ohio. Besides the English, he read and spoke Greek, Latin, and French; he also spoke the Wyandot, Delaware, Shawnee, Miami, and Pottawattomie Indian languages. He was head chief of the Wyan-

parties in 1852 pledged themselves to abide by that principle, and thus stood pledged not to prohibit slavery in the territories. The whig party affirmed that pledge and so did the democracy. In 1854 we only carried out, in the Kansas-Nebraska act, the same principle that had been affirmed in the compromise measures of 1850. I repeat that their resistance to carrying out in good faith the settlement of 1820, their defeat of the bill for extending it to the Pacific ocean, was the sole cause of the agitation of 1850, and gave rise to the necessity of establishing the princip of non-intervention by congress with slavery in the territories."[1]

And in his famous speech of March 3, 1854, he silenced Chase and Seward on this point by showing that, after the Missouri compact of 1820 was made, the northern vote in Congress still kept that state out of the Union and forced Mr. Clay's new conditions of 1821; that a like northern vote was recorded against admitting Arkansas with slavery in 1836, and that the legislature of Mr. Seward's state (New York), after the Missouri act of 1820, had instructed her members of Congress to vote against the admission of any territory as a state with slavery.

Mr. Douglas at least went far toward establishing the consistency of his action in 1854 by quoting from his speech in Chicago in 1850: "These measures (of 1850) are predicated on the great fundamental principle that every people ought to possess the right of regulating their own internal concerns and domestic institutions in their own way."[2]

It was conceded on both sides that the states had the absolute power to adopt or reject slavery by provisions in their constitutions, and, as Douglas points out, it was inconsistent to deny this principle to the territories: "These things are all confided by the constitution to each state to decide for itself, and I know of no reason why the same principle should not be confided to the territories."[3]

A severe critic of Douglas's selfish subserviency in the Nebraska affair admits that,

"Probably he had at first no more intention of actually enlarging the arena of slavery than had Daniel Webster in laboring to remove the legal restriction from the territory of Utah. Northern free labor was moving westward, as he knew, by leaps and bounds. It was not likely that slavery would ever gain any foothold in the region between the Rocky mountains and the states of Minnesota, Iowa and Missouri. Douglas no doubt sought to further his presidential prospects without making any actual change in the practical situation respecting slavery extension."[4]

But what more or what less could be said of Clay, Webster, or Lincoln, each of whom, while as ardently seeking to further his presidential prospects, temporized upon the slavery question? And in view of the probability, confirmed by the result, that slavery could not be forced upon Kansas or Nebraska, whatever might be done with the Missouri restriction, did not the course of Douglas result in a distinct gain in that, "the southerners abandoned the claim to their inherent right to take their slaves into the new territories and united—both whigs and democrats—in support of Douglas's bill?"[5]

Furthermore, Douglas emphasized the fact that there was a grave question as to the constitutionality of the Missouri restriction; and may he not be credited with sagacity and patriotism in fortifying against the event of the Dred Scott decision in 1857, which confirmed his fears, by interposing his Kansas-

dot tribe while it was still in Ohio and was postmaster of the town of Upper Sandusky. He was one of the most influential men of the Wyandot nation; was an eloquent speaker, and as a writer on intellectual and political subjects was surpassed by few men of his time. He was elected first provisional governor of the proposed Nebraska territory in 1853.

Governor Walker was first married at Upper Sandusky, Ohio, to Hannah Barrett, April 8, 1824. Mrs. Walker died December 7, 1863, having borne her husband five children. April 6, 1865, he was married at Dudley, Ohio, to Mrs. Evelina J. Barrett, the widow of his first wife's brother. She died August 28, 1868. The last years of the life of Governor Walker were sorrowful ones. He had lost both wives and all his children by death, and was heartbroken by his bereavement. He speaks of himself as "stricken with grief," and says, "now I stand like a blasted oak in a desert, its top shivered by a bolt hurled from the armory of Jove." He died February 13, 1874, in Kansas City, Missouri, and no monument of any kind marks his resting place. He was a Mason in high standing and was buried under the auspices of that organization. He was a member of the M. E. church.

[1] *Cong. Globe*, 1859-60, pt. 1, p. 915.

[2] Sheahan, Life of Douglas, p. 225.

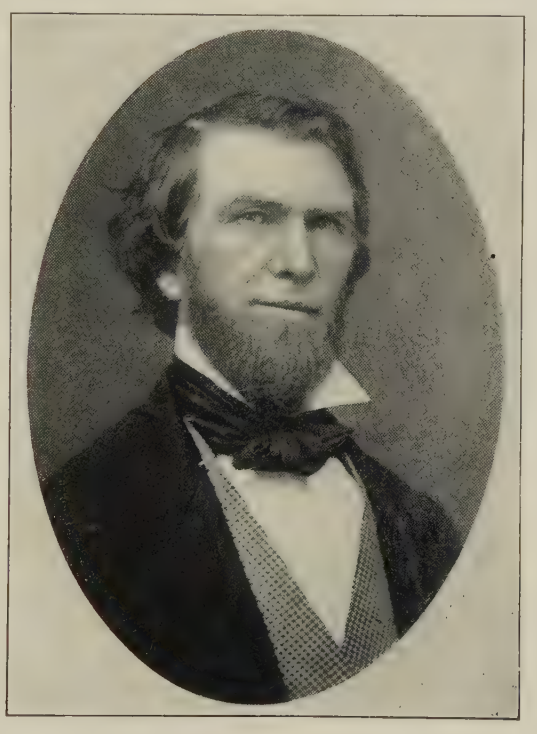
[3] Ibid.

[4] Macy, Political Parties in the United States, p. 188.

[5] Hopkins, Political Parties in the United States, p. 86.

Nebraska popular sovereignty device as a new bar to the door against slavery in the territories which that memorable decision had otherwise opened wide? For "Kansas was the only territory in which slaveholders tried to assert their rights"—that is, the constitutional right to carry slaves into the territories against attempted prohibition by Congress or its creatures, the territorial legislatures. And as it turned out, they had the best of the argument, and nothing could have hindered their design but the popular sovereignty provision of the Nebraska bill.

But this spontaneous harshness toward Douglas reaches the climax of its unreasonableness when it discovers in southern pro-slavery motives a rare nicety of moral discrimination and self-renunciation, and exalts it to contrasting heights above the groveling motives of Douglas. Thus we are told that the bill that passed the House in 1853, "being naturally objectionable to the pro-slavery politicians who still respected the Missouri compromise, was defeated by them in the Senate." But in this bill there was no allusion to slavery, and the compromise was not attacked. Moreover, on the final passage of the Kansas-Nebraska bill, which repealed the compromise, only nine votes from the South—two democrats and seven whigs—could be mustered against it in the House, while forty-two democrats and forty-five whigs from the North voted against it.[1] But in one instance Douglas has been grouped with the patriots—though perhaps inadvertently. For "the ardent advocates of the compromise of 1850 were all devoted to the Union;"[2] and Douglas advocated every part of the compromise.



ABELARD GUTHRIE[4]
DELEGATE TO CONGRESS REPRESENTING THE PROPOSED TERRITORY OF NEBRASKA, 1853

The impartial judge of contemporary circumstances will conclude that Douglas thought and had good ground for thinking that in this first organization of new territory since the new compromise or temporizing arrangement between the slavery and the anti-slavery element in 1850, another controversy was inevitable, and that the statement that the "new policy thus sprung so unexpectedly upon the country was the secret contrivance of a few aspiring democrats, obsequious to slavery's propaganda,"[3] is an inadequate and inconsistent explanation of the new compromise. Dixon's reason for pressing the repeal of the Missouri restriction, which it is generally admitted took Douglas by surprise, illustrates the fact that the pro-slavery leaders of

[1] Rhodes, History of the United States, vol. 1, p. 489.

[2] Macy, Political Parties in the United States, p. 129.

[3] Schouler, History of the United States, vol. 5, p. 281.

[4] Abelard Guthrie, first provisional delegate to Congress from the proposed territory of Nebraska, was born near Dayton, Ohio, March 9, 1814, and was a son of James and Elizabeth (Ainsworth) Guthrie. The Guthrie family were of Scotch-Irish descent, coming from the north of Ireland to Pennsylvania in an early day. James Guthrie moved to Ohio in 1809, where Abelard Guthrie attended school, but his journals reveal little of his early life. For several years he was chief clerk for the Indian agent at Piqua, Ohio, and in 1842 he was appointed, by President Tyler, register of the United States land office at Upper Sandusky. About 1843 the Wyandot Indians left the region of Upper Sandusky for the West, and the next year Mr. Guthrie followed them to their new home, arriving at the mouth of the Kansas river in January, 1844. Soon after reaching the West he was married in what is now Kansas City, Kansas, to Quindaro Nancy Brown, a Wyandot-Shawnee girl, who was a daughter of Adam Brown and granddaughter of Chief Adam Brown, a white man, and the same who had adopted William Walker, Sr. She died in Indian Territory in

the South intended to fight for a new arrangement, and the solid support which the members from the South gave to the bill makes the contention that the scheme was originated by a few politicians, and that the people of the South "had not dreamed of taking it"[1] little less than ridiculous. Mr. Dixon stated that he never did believe in the propriety of passing the Missouri compromise. "I never thought the great senator from Kentucky, Mr. Clay, when he advocated that measure did so because his judgment approved it. . . . And I have never thought that that measure received the sanction of his heart or of his head." He said that he proposed the amendment under the firm conviction that he was carrying out the principles settled in the compromise of 1850, and which left the whole question of slavery with the people and without any congressional interference. He had always believed that Congress had no authority over the subject of slavery in states or territories, and, therefore, that the Missouri compromise was unconstitutional.[2] In a colloquy with Dixon, Douglas explained that he "and some others with whom he consulted" thought that Dixon's amendment not only wiped out the legislation excluding slavery but affirmatively legislated slavery into the territory; he therefore inserted the repealing clause in his own words to avoid the affirmative force of Dixon's amendment.[3]

Mr. Abelard Guthrie, who had been elected a delegate to Congress from Nebraska, at Wyandotte, in October, 1852, writing while on his way to Washington in December, 1852, to William Walker, provisional governor, throws light on the attitude of the pro-slavery element toward territorial organization, as follows:

"I traveled in company with senators Geyer and Atchison of Missouri and representatives Richardson and Bissil of Illinois. I am sorry to say our Missouri senators are by no means favorable to our territorial projects. The slavery question is the cause of this opposition. I regret that it should interfere—it ought not. Mr. Atchison thinks the slaves in Nebraska are already free by the operation of the Missouri compromise act, and asks a repeal of that act before anything shall be done for Nebraska."[4]

In a letter to the New York *Tribune,* written August 9, 1856, Mr. Guthrie relates that he was a candidate for reelection as a delegate to Congress in 1853; but because "the repeal of the Missouri compromise was now first agitated, and it was thought important to success that the territory should be represented by one favorable to that measure," Mr. Guthrie complains, the influence of the administration was thrown against him, and he was defeated by a large Indian vote.[5]

The tradition and belief of the Douglas family are worthy of consideration. A son

1886. When Mr. Guthrie was married he was adopted by the Wyandots and given the name Tah-keh'-yoh-shrah'-tseh, which means the twin brain, given in acknowledgment of his recognized ability. In 1849 he went with many of the Wyandot tribe to California in search of gold. He returned some time in the summer of 1852. That year he devoted his energies toward securing a territorial organization for the territory of Nebraska with boundaries practically those of the present states of Kansas and Nebraska. In 1853 a convention was held at Wyandotte and a delegate to Congress nominated. The two candidates were Mr. Guthrie, who was put forward by the friends of Senator Thomas H. Benton, and Rev. Thomas Johnson, who was supported by the friends of Senator D. R. Atchison. Guthrie received the largest number of votes and went to Washington, but as the territory was not legally organized he was not received as a regular delegate, though he was admitted to the floor of the House. Later in the fall of the same year another election was held and the Rev. Thomas Johnson was elected. During the troublesome times in Kansas territory, succeeding the passage of the Kansas-Nebraska bill, Mr. Guthrie was imbued with the free state sentiment.

He was greatly interested in the affairs of the Wyandot nation and was in Washington at the time of his death urging the justice of certain claims of that tribe. He died suddenly January 13, 1873. He describes his personal appearance in his journal, giving his height as five feet, nine and three-fourths inches, and weight one hundred and fifty-seven pounds. His eyes were blue; his hair and complexion fair; his face was rugged and strong; mouth, large and firm. Until the very last years of his life he wore his hair as the Indians formerly wore theirs—long and falling over his shoulders. Mr. Guthrie was a man of strong religious nature, and a member of the M. E. church.

[1] Schouler, History of the United States, vol. 5, p. 281.

[2] *Cong. Globe*, vol. 28, pt. 1, p. 240.

[3] The gist of Dixon's amendment leaves no doubt on this point: " . . . The citizens of the several states or territories shall be at liberty to take and hold their slaves within any of the territories of the United States or of the states so formed therefrom, as if the said act (the Missouri compromise) had never been passed."—*Cong. Globe*, 1st Sess., 33d Cong., p. 175.

[4] *Proc. of the Neb. State Hist. Soc.*, vol. 3, 2d series, p. 76.

[5] Ibid., p. 81.

of Senator Douglas thinks that his father had become convinced that the South could and would repeal the Missouri compromise, and he therefore set about to get the best terms he could against the further spread of slavery, and believed he had accomplished this in the formal recognition of the doctrine of popular sovereignty in lieu of the open door which the South was bent on securing.[1]

On the 23d day of January, 1854, Douglas presented the Kansas-Nebraska bill which was passed as a substitute for the Nebraska bill of January 4. It comprised two important additions to the old bill, which were to divide the territory into two—Kansas and Nebraska—and specifically repeal the Missouri compromise. His own reasons for dividing the territory are as follows:

"There are two delegates here who have been elected by the people of that territory. They are not legal delegates, of course, but they have been sent here as agents. They have petitioned us to make two territories instead of one, dividing them by the 40th parallel of north latitude — the Kansas and Nebraska territories. Upon consulting with the delegates from Iowa I found that they think that their local interests as well as the interests of the territory, require that the proposed territory of Nebraska should be divided into two territories, and the people ought to have two delegates. So far as I have been able to consult with the Missouri delegates they are of the same opinion. The committee therefore have concluded to recommend the division of the territory into two territories, and also to change the boundary in the manner I have described."[2]

The change consisted in making the southern line 37° instead of 36° 30′, thus avoiding division of the Cherokee country and running between that and the Osages.

The simple reasons Douglas himself gave for finally and somewhat suddenly dividing the Nebraska territory as at first proposed, into two territories, are not only consistent with the circumstances but are fairly confirmed by them, and they leave no necessity for the search that has been made for hidden, mysterious, and unworthy motives. The two delegates to whom Douglas referred, as he is quoted above, were Mr. Hadley D. Johnson, who was chosen at an election held at Bellevue, October 11, 1853, and the Rev. Thomas Johnson, who was elected at Wyandotte on the same day. Mr. Hadley D. Johnson states that after consultation with citizens it was decided to advocate the organization of two territories instead of one, and

HADLEY D. JOHNSON[3]
FIRST "DELEGATE TO CONGRESS" FROM THE UNORGANIZED TERRITORY, NOW KNOWN AS THE STATE OF NEBRASKA. ELECTED OCTOBER 11, 1853
Engraving from a photograph owned by the Nebraska State Historical Society

[1] Recent conversation with Stephen A. Douglas, Jr., of Chicago.

[2] *Cong. Globe*, vol. 28, pt. 1, p. 221.

[3] Hadley D. Johnson, Nebraska pioneer, was a native of Indiana. In October, 1850, he came west and the following year settled at Kanesville (Council Bluffs), Iowa. In 1852 he was elected a member of the first state senate of Iowa from Pottawattomie county. In 1853 a bill was reported to Congress providing for the organization of the territory of Nebraska. Learning that an informal election was projected for the purpose of choosing a representative to look after the passage of the bill in Congress, several citizens of Council Bluffs and vicinity determined to compete for the delegateship. Accordingly arrangements were made for an election at Sarpy's trading post. A number of Iowa citizens, including Mr. Johnson, crossed the river to the Nebraska side, established an election precinct, and proceeded to ballot. Mr. Johnson received the largest number of votes, and December 14, 1853, started to Washington, arriving there early in January, 1854. The organization bill had already been brought before the Senate when he arrived, and he also found a dignified and elderly gentleman, Reverend Thomas

that on his presentation of the case to Douglas he adopted Johnson's plan and changed the bill so as to divide Nebraska into Kansas and Nebraska.[1] It was quite natural that the people of the northern part of the territory and of Iowa lying directly opposite should desire the division so as to have complete control, in view of the contemplated Pacific railway, and for other commercial reasons, and Mr. Johnson states that Senator Dodge of Iowa warmly approved his plan for two territories, and took pains to introduce him to Douglas. Just as naturally, too, the people and politicians of Missouri would prefer to have the territory opposite their state, and over whose affairs they would naturally exercise much control, separated from the northern territory. The general commercial interests, as well as considerations of the slavery question, would lead them to this desire.

Contemporaries of Hadley D. Johnson now living,[2] as well as the important part he played in the affairs of Iowa and Nebraska, testify to his high standing and the credibility his statements deserve. He was elected a member of the Iowa senate for the Council Bluffs district in 1852, was a "provisional" delegate to Congress from Nebraska in 1853, was a prominent candidate for delegate to Congress at the election of 1854, was elected territorial printer by the legislature of Nebraska in 1856, and in general was recognized as a man of affairs in those earlier years.

We have an account of a meeting of citizens of Mills county, Iowa, at Glenwood, in October, 1853. Glenwood was then the county seat of Mills county, which adjoins Pottawattomie, of which Council Bluffs is the county seat, on the south, and borders on the Missouri river on the west, opposite Sarpy county, Nebraska, in which Bellevue is situated. Among those who addressed this "great and enthusiastic meeting were Hadley D. Johnson, delegate elect from Nebraska," J. L. Sharp, who was chairman of the committee on resolutions, M. H. Clark who had been chosen provisional secretary of Nebraska at the same Bellevue election which chose Johnson for delegate, and Hiram P. Bennet. Mr. Sharp[3] became president of the first legislative council of Nebraska, and Bennet and Clark were also members of that body.

The resolutions adopted by the meeting declared that the best interests of western Iowa as well as of the bordering Indian tribes would be secured by the early organization of the territory of Nebraska, and that "the boundaries indicated by Judge Douglas's bill, subserve the interests of the whole country; but if they can not be obtained we would next prefer the parallel of 39½ degrees south and 44 degrees north as the boundaries of Nebraska." This reference to the bill of Douglas "introduced some years ago," which must have meant his bill of 1848, discloses that the boundary which in the opinion of these enterprising border promoters would "best subserve the interests of the whole country" extended half a degree further south than the line that would satisfy them—to the fortieth parallel,—and fell one degree short of the boundary they proposed on the north. There is no

Johnson, who had come as a delegate on the same errand as himself. Both had been elected without legal sanction, and amicable relations were eventually established between them, and while "the two Johnsons" were unceremoniously "bounced" from their seats and relegated to the galleries, they aided the passage of the celebrated Kansas-Nebraska bill, and Mr. Johnson was active in the successful effort of the Iowa interests to secure the organization of Nebraska as a separate territory. Hadley Johnson came to Nebraska in 1854, and at the second session of the territorial assembly was elected territorial printer. In 1858 he established the Omaha *Democrat* which was published a short time. Mr. Johnson continued to practice law in Omaha for a number of years, when he removed to Salt Lake City to join the Mormons, having embraced that faith in Indiana. He died at Salt Lake City July 2, 1898. He was a member of the Independent Order of Odd Fellows, and was one of the organizers of the first lodge of this order in Omaha, Nebraska.

[1] Hadley D. Johnson's statement, *Proc. of the Neb. State Hist. Soc.*, second series, vol. 3, p. 83.

[2] Such as James M. Woolworth and Geo. W. Doane.

[3] The Joseph L. Sharp who took part in this Glenwood meeting was a man of ability and of considerable political prominence in Iowa, and he was president of the council in the first legislative assembly of Nebraska territory. He had previously served two terms in the Illinois, and one term in the Iowa legislature. In his autobiography he makes the following statement: "Went to Washington and submitted the plan of making two territories out of the proposed Kansas (Nebraska) territory. Judge Douglas reported an amendment to his Kansas (Nebraska) bill, making the 40th parallel the line between the two territories, which became a law."

material difference in the two boundaries in question, and perhaps the Glenwood resolutions made a mistake in their reference to Douglas's bill; but in any event they show that the men of Iowa wanted a territory, as nearly and exclusively as they could get it, opposite their own state. The proprietary regard of these Iowans for the prospective territory, the key to it, and their resolute intent to bring about territorial organization in the form suited to their ambitious purposes are disclosed in the other resolutions of the meeting. While they "approve of an election by the citizens of Nebraska of provisional territorial officers as well as a delegate to represent their interests in the approaching Congress," they "would not approve any measure which would retard or interfere with the early extinction of the Indian titles to all of said territory." They request their senators and representatives in Congress to use their best efforts to carry out the policy set forth in the resolutions, direct a copy to be sent to each of them and to Senator Douglas, recommend the appointment of a committee to confer with citizens of other counties touching the interests of western Iowa, and ask the St. Mary's *Gazette, Western Bugle,* Chicago *Democratic Press,* Peoria *Press,* and New York *Herald* to publish the proceedings of the meeting. Nor did they neglect the one subject on which all wide-awake border people in this latitude were now always harping, and they resolved, "That the valley of the Nebraska or Platte river and the South Pass is the route most clearly pointed out by the hand of nature for a world's thoroughfare, and a natural roadway for the United States, connecting the Atlantic with the Pacific."

Mr. Hadley D. Johnson states[1] that in the month of November meetings were held at Council Bluffs which were addressed by Senator A. C. Dodge and Col. S. R. Curtis, one of the first United States Commissioners of the Union Pacific railway, "who warmly advocated the construction of our contemplated railways, and the organization of Nebraska territory." He further says:

"Before starting (for Washington) a number of our citizens who took a deep interest in the organization of a territory west of Iowa had on due thought and consultation agreed upon a plan which I had formed, which was the organization of two territories instead of one as had heretofore been contemplated."

After arriving at Washington, Mr. Johnson says:

"Hon. A. C. Dodge,[2] senator from Iowa, who had from the first been an ardent friend of my plan, introduced me to Judge Douglas, to whom I unfolded my plan, and asked him to adopt it, which, after mature consideration, he decided to do, and he agreed that he would report a substitute for the pending bill, which he afterwards did do. . . . The Honorable Bernhart Henn, member of the house from Iowa, who was also my friend, warmly advocated our territorial scheme."

The important part which Senator Dodge played in the great national drama—or perhaps the prologue which was to be followed by the tragedy of the Civil war—aids greatly in the interpretation of its motive and meaning. Many of us of Nebraska remember him as the suave, kindly, and gracious gentleman of the old school. By virtue of his ability and experience as statesman and politician, as well as his official position, Senator Dodge represented the interests and wishes of the anti-slavery state of Iowa, which demanded the early organization of the great empire on its western border.

Indeed, until the last, when the question of the adjustment of the interests or demands of slavery became paramount, Senator Dodge might well have been regarded as the leader in the project of territorial organization rather than Douglas himself. In the terrific but short struggle at the last, when slavery was pressing its overreaching and self-destructive demand, he preserved his independence. His democratic, anti-slaveholding spirit breaks out in his rebuke of Senator Brown of Mississippi in the course of the Kansas-Nebraska debate. Brown had defended negro slavery on the ground that it was necessary to the performance of menial labor which he

[1] *Trans. Neb. State Hist. Soc.*, vol. 2, p. 87, *et seq.*

[2] Augustus C. Dodge, born January 2, 1812; died November 20, 1883.

referred to contemptuously as beneath white people:

"There are certain menial employments which belong exclusively to the negro. Why, sir, it would take you longer to find a white man in my state who would hire himself out as a boot-black or a white woman who would go to service as a chamber-maid than it took Captain Cook to sail around the world. Would any man take his boot-black, would any lady take her chamber-maid into companionship?"

This spirited retort of Senator Dodge's is not that of a doughface:

"Sir, I tell the senator from Mississippi,—I speak it upon the floor of the American senate, in presence of my father [Henry Dodge of Wisconsin] who will attest its truth—that I have performed and do perform when at home, all of those menial services to which that senator referred in terms so grating to my feelings. As a general thing I saw my own wood, do all my own marketing. I never had a servant of any color to wait upon me a day in my life. I have driven teams, horses, mules and oxen, and considered myself as respectable then as I do now, or as any senator upon this floor is."[1]

This incident serves also to illustrate the great change in customs and manners which has taken place in the short time since the birth of our commonwealth. This Cincinnatus—foreman of the founders of Nebraska—was yet of courtly manners, a senator of the United States, and minister to the court of Spain.

When, at the last, the Kansas-Nebraska bill involved a question of vital importance to the Democratic party, Douglas, as the conceded and imperious leader of the party, overshadowed all others. But from first to last Dodge cooperated with Douglas for the organization of Nebraska. He showed that he consistently supported the popular sovereignty principle of the Nebraska measure by showing that he had advocated that principle as a solution of the still vexed slavery question in his support of the compromise measures of 1850.[2]

Senator Dodge discloses clearly his reasons for desiring the division of the territory:

"Originally I favored the organization of one territory; but representations from our constituents, and a more critical examination of the subject—having an eye to the systems of internal improvement which must be applied by the people of Nebraska and Kansas to develop their resources—satisfied my colleague who was a member of the committee that reported this bill, and myself, that the great interests of the whole country, and especially of my state demanded that we should support the proposition for the establishment of two territories. *Otherwise the seat of government and leading thoroughfares must have fallen south of Iowa.*"[3]

Though Bernhart Henn,[4] member of the lower house of Congress, lived at Fairfield, as early as June 11, 1853, he had established a land and warrant broker's office under the firm name of Henn, Williams & Co., at Council Bluffs, the residence or rendezvous of the potent promoters of territorial organization and of Omaha City.

In a speech in the House, urging the passage of the Kansas-Nebraska bill, he discloses the objects and motives of the promoters even more clearly than Senator Dodge had done: "The bill is of more practical importance to the state of Iowa, and the people of the district I represent than to any other state or constituency in the union."[5]

In answer to "the unjust charge made on this floor by several that it was the scheme of southern men, whereby one of the states to be formed out of these territories was to be a slave state" he demands: "Do they not know that the delegates sent here by the people interested in the organization of that country proposed this division?"[6]

Continuing in the same strain he urges that the 40th parallel, the proposed line of division, is nearly on a line dividing the waters of the Platte and the Kansas rivers:

"A line which nature has run for the boundary of states; a line that will insure to each territory a common interest, each having a rich and fertile valley for its commercial center; a line that will be of immense importance to the prosperity and commerce of Iowa; a

[1] Appendix *Cong. Globe*, vol. 29, p. 376.

[2] Ibid., p. 380.

[3] Ibid., p. 382.

[4] Bernhart Henn, elected to Congress in 1849, serving four years.

[5] Appendix *Cong. Globe*, vol. 29, p. 885.

[6] Ibid., p. 886.

line that will make the commercial and political center of Nebraska on a parallel with the great commercial emporiums of the Atlantic and the harbor of San Francisco. . . . The organization of two territories instead of one has advantages for the north, and for Iowa in particular, which should not be overlooked. It secures in the Platte valley one of the lines of Pacific railways by making it the center of commerce, wealth and trade. It brings to the country bordering on Iowa the seat of government for Nebraska. It at once opens up a home market for our produce. It places west of us a dense and thriving settlement. It gives to western Iowa a prominence far ahead of that which ten years ago was maintained by the towns in the eastern portion of our state. It brings Iowa nearer to the center of power and commerce."[1]

While these members of Congress from anti-slavery Iowa thus strongly urged division of the territory, those from pro-slavery Missouri merely acquiesced in the plan. In the Senate Benton opposed the passage of the bill on account of the repeal of the compromise. Atchison took little part in the debate on the bill, but while he said that he thought slavery would go into Kansas if the compromise should be repealed,[2] it does not appear that he ever urged division.

In the House Lindley, Miller, and Oliver discussed the measure but said nothing about division. Lindley urged that organization must precede settlement, which must precede "that great enterprise of the age, the great Pacific railroad." Miller and Oliver discussed the question of Indian cessions.

Facts thus rudely obtrude themselves as a substitute for the guessing of the historians as to the primary motive of Douglas for the division scheme, namely, subserviency to the hope and intent of the slave power to make Kansas a slave state, and they seem positively to preclude that theory. On this point there is a strong and significant concensus of northern opinion. Douglas himself expressed his belief that it would be impracticable to fix slavery upon either of the territories. In his noted speech on the 30th of January, 1854, he urged that slaves had actually been kept in the Northwest territory in spite of the prohibition of the ordinance, and that they were then kept in Nebraska in spite of the prohibition of the Missouri compromise; but the people of all the northern territories had abolished slavery as soon as they had the local authority to do so. And so he said of Nebraska: "When settlers rush in, when labor becomes plenty and therefore cheap, in that climate, with its productions, it is worse than folly to think of its being a slaveholding country. I do not believe there is a man in Congress who thinks it could be permanently a slaveholding country. I have no idea that it could. . . . When you give them a legislature you thereby confess that they are competent to exercise the powers of legislation. If they wish slavery they have a right to it. If they do not want it they will not have it, and you should not force it upon them."[3]

Benton in his speech in bitter opposition to the Kansas-Nebraska bill said: "The question of slavery in these territories, if thrown open to territorial action, will be a question of numbers, a question of the majority for or against slavery; and what chance would the slaveholders have in such a contest? No chance at all. The slave owners will be overwhelmed and compelled to play at a most unequal game, not only in point of numbers but in point of stakes. The slaveholder stakes his property and has to run it off or lose it if outvoted at the polls."[4]

Benton dreaded and deprecated opening anew the slavery contest by the proposed repeal of the compromise. For the sake of peace he had promoted the clause in the constitution of Missouri prohibiting the legislature from emancipating slaves without the consent of their owners.

Senator Dodge insisted that, as touching slavery, the bill would have the effect of freeing several hundred slaves who would be taken into Kansas and Nebraska as domestic servants on the promise of freedom at some fixed time. The owners of slaves, he said, would be too timid and conservative to take them

[1] Appendix *Cong. Globe,* vol. 29, p. 886.
[2] Ibid., pp. 939–40.
[3] *Cong. Globe*, vol. 28, pt. 1, p. 279.
[4] Appendix *Cong. Globe*, vol. 29, p. 560.

into new and unfavorable communities in larger numbers.[1] This theory was peculiarly confirmed in Nebraska, and doubtless would have been in Kansas after conditions had become settled there, but for the Civil war which swept slavery away entirely.

In his speech in the House, in which he urges the passage of the Kansas-Nebraska bill with all his powers, Mr. Henn argues that, "These territories will, nay must become non-slaveholding states. . . . My experience in the settlement of new countries so teaches." Emigration moves on a line south of west for the betterment of physical as well as financial conditions. "Hence," he continues, "all of Nebraska, if not all of Kansas, will be settled by emigrants from non-slaveholding states. Three thousand of these, from free states, are now on the line of Nebraska and fifteen hundred on that of Kansas ready to step over as soon as the bill passes." A network of railways in this latitude already embraced the Mississippi and would soon reach the Missouri.[2] Without a word of testimony, unprejudiced eyes should see why commercial and political considerations, entirely independent of the slavery question, should have discovered the advantages of division to Iowa and Illinois also, and stimulated to the utmost their demand for it. Douglas was the natural mouthpiece of this sentiment by virtue of his residence in Chicago, which was vitally interested in securing the location of the Pacific railway as a direct extension of her great trunk lines to the West, and of his position as chairman of the senate committee on territories. So far from being surprising it is quite natural that these advantages of division should have appeared and been presented now, when the long-mooted question of territorial organization was at last plainly to be settled, and which quickened, and for the first time made the question of a Pacific railway practicable and imminent. This now certain prospect of the opening of the way for giving value to the bordering territory and for the most gigantic project for a commercial highway that had yet been imagined suddenly increased the importance of every local consideration or possible advantage, and resulted in the project of division for northern commercial interests and by northern commercial initiative.

Douglas had from the first striven for a northern territory. His prompt acquiescence in the proposal of division is quite explicable and consistent when coupled with the fact that his bill of 1844 provided for a territory, whose northern boundary line was identical with that of present Nebraska and whose southern line was only two degrees farther south than the dividing line between the two territories, and with the further fact that the proposed northern boundary in his bill of 1848 was that of the present state, and the southern boundary was the same as the division line between the two territories and states, namely, the 40th parallel.

But this cogent consistency of circumstance and specific human testimony must, it seems, give way to the exigencies of contrary historical authority. For we are told in no inconclusive tone and terms that,

> "We cannot clearly trace the ways leading up to the division of Nebraska which apparently formed no part of the original plan. Nor is the explanation of Senator Douglas sufficient. It is almost certain that if there had been no question of slavery this change would not have been made."[3]

And again: "For the division of the Nebraska country had no meaning if it were not made in order to secure a part of it to slavery."[4] This author brings to the discussion of the question great ability, but a zeal that leaps the bounds of fairness and reason. It certainly seems as if he has retained his powers to discredit and smirch Douglas to the utmost. This palpable predetermination naturally leads to disingenuous if not false statements. Thus, to sustain his preconception that the primary object of the organization of the Nebraska country, and especially its division into two territories, was to further

[1] Appendix *Cong. Globe*, vol. 29, p. 382.
[2] Ibid., p. 885.
[3] Rhodes, History of the United States, vol. 1, p. 439.
[4] Von Holst, Constitutional History of the United States, vol. 4, p. 323.

the interests of the slavocracy, he insists that there were no white men in the territory, keeping back the fact that theoretically or legally there could be none since they had been interdicted by the law of Congress of 1834; and he neglects to mention the very relevant fact that the advocates of organization in Congress rightfully urged that the population would be forthcoming, and, more scrupulous than the Israelites of old, in general waited legal permission to "go up and possess the land." Organization therefore must needs precede population, or else be indefinitely postponed. Douglas himself completely answered these objections in his great 3d of March speech by correctly stating that, in spite of the formal legal prohibition, there was a goodly number of white settlers within the proposed territory; that there was an immense traffic through it to the Pacific coast, now entirely unprotected, and organization was necessary on that account; and that people would inevitably invade the territory in spite of legal barriers which therefore had better be removed in response to the popular demand. The first census of Kansas taken within six months after the passage of the organic act indicates that there was already a population not far from five thousand. Douglas very plausibly if not conclusively established his contention that he at least was breaking no new ground and springing no surprise in what he regarded as the incidental repeal of the Missouri compromise. In his noted speech in Chicago, October 23, 1850, he had very explicitly and broadly generalized the principle which he substituted for the compromise:

"These measures are predicated on the great fundamental principle that every people ought to possess the right of forming and regulating their own internal concerns and domestic institutions in their own way. . . . These things are all confided by the constitution for each state to decide, and I know of no reason why the same principle should not be confined to territories."

He cited the forcible fact that the two great political parties—Whig and Democrat—in their national conventions in 1852 "adopted and affirmed the principles embodied in the compromise measures of 1850 as the rules of action by which they would be governed in all future cases in the organization of territorial governments and the admission of new states."[1]

Seward, Chase, and Sumner were the principal leaders of the opposition to the Kansas-Nebraska bill. Perhaps they had a finer ethical and philanthropic instinct and purpose than Douglas. This is doubtless true at least of Chase and Sumner. It is true also of Lincoln, whom the new opportunity presented by the passage of the bill lured out of the hiding into which he had gone discouraged after his unfortunate participation with the Whig party in its opposition to the Mexican

[1] The pertinent declaration of the Democratic convention was as follows: "Congress has no power under the constitution to interfere with or control the domestic institutions of the several states. . . . All efforts of the abolitionists or others to induce Congress to interfere with questions of slavery or to take incipient steps in relation thereto are calculated to lead to the most alarming and dangerous consequences. . . . Therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures settled by the last Congress." The whigs bore even more heavily upon the idea of the general principle: "The series of acts of the thirty-second Congress, the act known as the fugitive slave law included, are received and acquiesced in by the Whig party of the United States as a settlement, in principle and substance, of the dangerous and exciting questions which they embrace, and so far as they are concerned we will maintain them and insist upon their strict enforcement until time and experience shall demonstrate the necessity for further legislation." The Free-soil Democratic convention denounced the compromise measures of 1850 for "their omission to guarantee freedom in the free territories, and their attempt to impose unconstitutional limitations on the powers of Congress and the people who admit new states." The Free-soilers, however, plainly opened the way for the repeal of the Missouri compromise, if it were found inexpedient, by declaring, "That the doctrine that any human law is a finality and not subject to modification or repeal, is not in accordance with the creed of the founders of our government, and is dangerous to the liberty of the people." True, both the regular Democratic, and the Whig convention resolved in the strongest terms against the further agitation of the slavery question in Congress or out; but Douglas could easily answer to the implication that he broke or was inclined to break these solemn party vows, that the organization of the Nebraska country was an enterprise that had been "dear to my heart" for ten years, and that he had no thought of mixing it up with the slavery question until it was forced upon him at the eleventh hour by greedy and shortsighted representatives of the slavocracy.

war, and discouraged also by the easy ascendency of Douglas in Illinois. But the position of Douglas was far different from that of either of the statesmen named. He had the tremendous responsibility of leadership of a party which was virtually without opposition and whose dominating element was fatuously bent, as it continued to be to its self-destruction, on the expansion of slavery. To Douglas fell the colossal task of holding the dominating pro-slavery element of his party at bay without destroying the party—and the Union. It would be rash to say that Seward, Chase, or Lincoln, who were all ambitious, practical politicians, would have done differently in Douglas's place. Seward and Lincoln represented politically the echo of dying Whiggism, and Chase had cut loose from the Democratic party. It was therefore easy for them to join the now swelling chorus of the North and of the civilized world against slavery. But Douglas had the misfortune at this critical juncture of being the responsible leader of the dominant party and personally ambitious as well. Though Seward and Lincoln, and perhaps Chase, were already shaping the new anti-slavery Republican party of which they were to become the ambitious leaders and the prime beneficiaries, yet as their aim was more remote than that of Douglas, its element of selfishness was not as apparent. Certain it is that in their early leadership of the Republican party Seward and Lincoln compromised on the slavery question more than Douglas evaded—more than it was possible for him with his impetuous, Napoleonic, dictatorial spirit to trim. The dramatic halo of the Civil war, from whose embrace death snatched Douglas all too soon—for he had promptly and unequivocally thrown his weighty influence on the side of the Union—hides all but martyrdom and saintship in the character and career of Lincoln, and illuminates, if it does not exaggerate the moral heroism of Seward and Chase. It is not likely that an impartial estimate of these early Republican leaders will ever be written. For an opposite reason no impartial or just estimate of Douglas has yet appeared.

After the passage of the Kansas-Nebraska bill there was a memorable struggle in Kansas for six years between the pro-slavery and anti-slavery forces, both augmented by organized colonization from other states, until the unhappy territory was admitted as a state without slavery in January, 1861, just as the southern states were busy going out of the Union. Actual experience in Kansas with the popular sovereignty plan of adjustment was sorry and sorrowful indeed. But this was a sorrowful and vexatious question, and under any plan there would have been an irrepressible conflict. It should suffice that though under Douglas's plan freedom was born in sore travail, yet it seems not improbable but for that plan it had not been born at all; and it is to the eternal credit of the courage and capacity of Douglas that there is no doubt that freedom won the day under his leadership against the now blind and mad greed and aggressiveness of the South and the truckling policy of Buchanan's administration. In the trial of a masterful statesman's character and career it should be esteemed a weighty matter that throughout his course and after he had compassed "the Kansas-Nebraska iniquity" this "subservient demagogue" remained the idol of his party in the North; that the confidence of the exacting, destructive slave-power of the South was, on the other hand, always withheld from him, until it finally accomplished his undoing as well as that of his party and the Union.

While calm and ripened public opinion will not hold that Douglas ought to have considered uncompromisingly and exclusively the welfare of the slave or the immoral quality of slavery, where the life of the Union, as well as that of his party, was already at stake, yet, obviously, he lacked that sentimental regard and sympathy for the negroes in bondage which the civilized world now applauds in Garrison, Phillips, Sumner, and Chase, but which in effect cooperated with the fire-eating sentiment of the South in precipitating the war which otherwise might have been avoided. Perhaps Douglas played a hard-hearted as well as a desperate game, not guiltless of

J. H. Brady

finesse, with his overbearing, cunning, and outnumbering southern party associates; and perhaps he was over-selfish in yielding to the preposterous demand of a part of them for the repeal of the compromise. But it would be rash as well as unjust to draw the sweeping conclusion that his ultimate motive was not patriotic or that he did not sincerely believe that his substitute for the compromise offered the most practicable solution of the momentous and vexatious question with which he was confronted.

It was apparently not until some years after its passage that Nebraska was relegated to the rear in the name of the Kansas-Nebraska bill and was thus deprived by its Jayhawker neighbor of its immemorial precedence and of the full fame or notoriety of its relation to this famous or infamous act. Douglas constantly referred to it as the Nebraska bill as late, at least, as the time of his debates with Lincoln in 1858; but in his noted article in *Harper's Magazine,* of September, 1859, he commits the error of stating that the act "is now known on the statute book as the Kansas-Nebraska act." The act is in fact entitled in the statute as "an act to organize the territories of Nebraska and Kansas"; but the Illinois Democratic convention of 1860 called the measure by its present name. The misnomer, and the usurpation by Kansas of first place in the name, may probably be credited to the fact that it is more easily spoken in that form, and that the spectacular and tragical political procedure in "bleeding Kansas" during the years immediately following the passage of the bill gave the territory the full place in the public eye to the exclusion of Nebraska with the comparatively tame events of its organization.

Thus Louisiana territory was conceived by the exigencies and on the threshold of a mighty international struggle which resulted in the annihilation of the greatest and most imperious of potentates; and Nebraska, child of Louisiana, was conceived by the exigencies and in the beginning of a great national struggle, in which the no less imperious power of human slavery was also to meet its doom.[1]

The organic acts for Nebraska and Kansas which were finally adopted contained a guarantee, not found in the bills offered by Doug-

[1] Judge J. H. Broady, who, in the following reminiscences, gives an important and interesting contemporary estimate of Douglas by Alexander H. Stephens, spent his life in Quincy, Illinois,—the home of Governor W. A. Richardson—until he removed to Nebraska in 1867, where he has been a prominent citizen ever since. He became steeped in the political knowledge and traditions of Illinois politics and politicians of the times and was familiarly acquainted with Governor Richardson:

"A talk with Mr. Albert Watkins, who is writing on the subject of the Nebraska bill for the Illustrated History of Nebraska, has awakened recollections of the traditions of the great Douglas campaigns in Illinois which should not be without interest here. In those campaigns the Nebraska bill, as it was called, was the battle cry. The name Nebraska was familiar to the women and children, read in every paper, and heard resounding from every platform.

"The Douglas doctrine of popular sovereignty was formulated in 1854 by the Nebraska bill. At the Democratic convention of 1856 Douglas was the acknowledged leader of the democracy and made the platform, but because of his aggressive character he had antagonized so many that he was unable to get the necessary two-thirds of the convention, and James Buchanan was the compromise candidate.

"The radical fire-eaters of the South promptly took charge of the Buchanan administration. By 1858 they had concluded that the only way to save slavery was to dissolve the union of the states, and that before that could be done the influence of Douglas in the South must be destroyed. They used Buchanan to further their scheme. Douglas at once saw that he must fight for his life, and accordingly boldly attacked the administration. This brought on the bitter factional fight in the Democratic party which was in full fury when the memorable campaign for the United States Senate took place between Stephen A. Douglas and Abraham Lincoln.

"The opinion of the Supreme Court of the United States in the Dred Scott case had been delivered, and it went as a knife into Douglas. No one except Douglas knew that better than Lincoln; yet in their joint debates Lincoln argued that the Dred Scott opinion was part of a conspiracy to make slavery universal in the States, and that Douglas was one of the conspirators. That vexed Douglas because the circumstances were such that Lincoln could make many believe that charge, yet at the same time he knew enough to know that Douglas was not in that conspiracy. He knew enough to know that Douglas was not purposely committing political suicide. He knew that it was the general belief that they had Douglas down at last, because the Dred Scott case so undermined his doctrine of popular sovereignty that it must surely fall.

"At the opening of the campaign Lincoln had not yet become the leader of his party, and was not yet a candidate for the presidency. He had a free hand, with everything to gain and nothing to lose. On the contrary, Douglas was already the leader of his party and a candidate for the nomination for president in 1860. He must look, not only to the effect of his speeches in Illinois, but also to the whole country, to the South as well as the North. The great young Republican party of the North, backed by a quickened public conscience and a massive moving trend in its

las in 1844 and 1848, that the boundaries should not "include any territory which by treaty with any Indian tribe is not, without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory; but all such territory shall be excepted out of the boundaries and constitute no part of the territory of Nebraska until such tribe shall signify their assent to the president of the United States to be included

favor, was after him from the one side, and the radicals of the South, backed by the patronage of the Buchanan administration and the opinion of the Dred Scott case, were after him on the other. Illinois had gone against the Democracy, and Lyman Trumbull, one of the foremost republican statesman of the day, was Douglas's colleague in the Senate. The Dred Scott opinion had left Douglas as a gladiator standing in quicksand. But he had left his well-earned prestige, and a captivating personality, which among all the statesmen of Illinois remained still altogether matchless. He had at stake his party leadership as well as his presidential aspirations, all of which depended on the strength of the southern combination against him and whether the same would grow greater or less. He doubtless believed, what subsequent events have amply proven, that that combination aimed at a dissolution of the Union, and, as a necessary preliminary, his political overthrow. But for that combination he surely would have been the next president, which would have meant the political downfall of the southern radicals, the burial of the doctrine of secession, the preservation of the Union without war, and the ultimate extinction of slavery as a necessary concomitant of our rise to a higher civilization.

"I speak with greater assurance on this subject because of a long talk in 1881 with Alexander H. Stephens, who was Douglas's ablest and most trusted friend in the South. Mr. Stephens briefly spoke of the statesmen of this country previous to the time he entered Congress which, as I recollect, was in 1843. He then had some more to say of Calhoun, Clay, Webster, and others whom he found there, until he came to Stephen A. Douglas, when he threw off reserve, and with an enthusiasm which he had not displayed before, grew exceedingly eloquent. Here he spoke in a manner which I took to mean that he considered me as a friend to the fame of Douglas, and he would trust me to make such use of what he was saying as I saw fit. When he closed what I consider the best eulogy on Douglas I ever heard or read I looked at my watch, and he had been talking about two hours and a half, and it was bed time.

"He said of all the men he ever knew Douglas was the gamiest and most captivating fighter in a legislative body; that he was Napoleonic in promptness, compactness, and power; that the grasp, breadth, reach, and readiness of his mind was marvelous; that in an off-hand, running debate he was without an equal; that he stood by and believed in the living Douglas, and that as time advanced he had grown firmer in his opinion that Douglas was right; that if the extremists of the South had not prevented, Douglas would have prevailed; the Civil war would never have occurred, and the Union would have been preserved; that Douglas's true place in history, but which would doubtless never be awarded to him, was that of the foremost American patriot and statesman of his time. He did not say what he thought would have become of slavery. He was silent also as to the Dred Scott case, and the administration of James Buchanan. But what he seemed careful to avoid left room to read between the lines, which I have undertaken to do.

"Coming now from this Stephens diversion back to the campaign, we find Douglas under the restraint of being a candidate both for the Senate and the White

House, and between the fires of two allied forces. On the one side the extremists of the South, backed by Buchanan who had removed all the friends of Douglas from federal offices and placed in their stead bitter foes, and had put in the field a Buchanan Democratic ticket of bolters; on the other side the Republican party, under the leadership of its greatest men. These allied forces took the license, for campaign purposes, to appear to be hostile to each other without the leaders of either taking the leaders of the other seriously. They would, for the delusion of the ignorant, use brilliant but harmless fireworks in their sham battle with each other, but when they used the cold steel, to hurt, both alike aimed under Douglas's fifth rib.

"The greatest bitterness was between the Douglas democracy and the Buchanan federal brigade. The former called the latter Danites. This name came from a reputed secret organization, for hire by the Mormon prophet at Nauvoo, to destroy by assassination or fire persons and things distasteful to the prophet. This organization of the prophet was called by the Mormons "destroying angels," but by the other people Danites. The term Danites in this campaign meant Buchanan's villains for hire.

"Wm. A. Richardson, called 'Old Dick,' as Lincoln was called 'Old Abe,' resigned the governorship of the territory of Nebraska, assigning as his reason that he would not hold an appointment under an apostate president. He returned to resume his old place at the right hand of Douglas in the coming fray.

"Lincoln, Trumbull, Browning, and other noted republican orators, and Dougherty, Reynolds, and other noted Danite orators, were already in the field and on the stump.

"While Douglas engaged the republican array, he assigned 'Old Dick' to take care of the Danites. Napoleon never made a better choice of a marshal. 'Old Dick' was as bold, combative, and aggressive as his chief. Yet in sunshine or in storm his great good heart was always in evidence, and even republicans would say that he had a heart as big as an ox, and if he would work some for himself and not all for Douglas they would not mind to give him a lift. He never had any money, because he would always divide with people in distress. Once at a great meeting at his home city of Quincy he opened one of his great and telling speeches with this sentence: "With a large portion of humanity, to get something to eat and something to wear is a hard struggle from the cradle to the grave." He was a big man with large features, full head of black hair, swarthy complexion, highly colored, a strong Roman nose, and glowing eyes under great shaggy brows. He was at his best in a rough and tumble catch-as-you-can campaign mix-up.

"The heavy artillery of the campaign, of course, was where Douglas was engaged with such as Lincoln, Trumbull, and Browning. But even there, in the intervals of lull, could be heard in the distance, the roar of 'Old Dick' among the Danites. He was skinning them and hanging their hides on the fence. He blessed them like Jacob of old blessed his son Dan. 'Dan shall be a serpent by the way, an adder in the path, that biteth the horse heels, so that his rider shall fall backward.' (Gen. 49:17.) The Bible was his thunder and lightning. It was a cold day when 'Old Dick' could not send a solar plexus passage of Scripture.

within the said territory of Nebraska." This clause was inserted in the Indian provisions of the Richardson bill, doubtless as a result of the strenuous opposition to the organization of the territory on the part of the East and Southwest, and it was retained in the Dodge bill.

The bill of 1844 provided that "the existing laws of the territory of Iowa shall be extended over the said territory," but "the governor, secretary, and territorial judge, or a majority of them, shall have power and authority to repeal such of the laws of the territory of Iowa as they may consider inapplicable and to adopt in their stead such of the laws of any of the states or other territories as they may consider necessary," subject to the approval of Congress; thus following the principle of the original provisions of the Ordinance of 1787 for territories of the first grade. This bill of 1844 followed the Ordinance of 1787 in providing for a second grade or representative government; but while under the ordinance five thousand free male inhabitants were required as a condition precedent to legislative government, under the Douglas bill the requirement was five thousand inhabitants merely, only excepting Indians. The ordinance provided that an elector should own fifty acres of land in his representative district, and that to be eligible to membership in the legislature one should own two hundred acres of land within his district; the Douglas bill required no property qualification in either case, but that members of the legislature should have the same qualification as voters. While the ordinance did not, specifically at least, exclude negroes from the elective franchise, the Douglas bill limited that right to free white male citizens for the first election and empowered the legislature to define the suffrage qualifications thereafter.

On the 7th day of January, 1845, A. V. Brown of Tennessee, member of the House committee on territories, reported a bill amendatory to the Douglas bill which required that there should be five thousand white inhabitants before the territory should be entitled to a legislature. This bill also changed the provisions of the original bill relating to the judiciary system.

The boundary described in the bill of 1848 differed from that of the bill of 1844 in starting where the 40th parallel of latitude crosses the Missouri river instead of at the confluence of the Kansas and Missouri rivers—a little above 39°; in running to the 43d parallel instead of the mouth of the Niobrara river a little to the south, and then following the river to that parallel; and on the south in running along the 40th parallel instead of the devious course, ending at the east on the 38th parallel, as already outlined. The bill of 1848 followed Brown's amendment in requiring five thousand white inhabitants before change to legislative government and also in the provisions for the judiciary, and the bill of 1844 in requiring the approval of the enactments of the legislature by Congress before they should become valid. In other respects the bills in question are all essentially alike.

The boundary described in the Richardson bill of February 2, 1853, differed from its predecessor of 1848 in following the summit of the Rocky mountains on the west instead of a right line south from the point of intersection of the northern line with the mountains—which did not appreciably alter the western boundary of the part of the territory included in the bill of 1848—and in adopting the northern line of New Mexico and the parallel of 36° 30′ instead of the 40th parallel as the boundary on the south.

In the Richardson bill the feature of legislation by the governor, secretary, and territorial judge is left out, and legislation by a general assembly from the first is provided for; but all enactments of the legislature must

"They all came out of the fight 'somewhat disfigured but still in the ring.' At the election, the popular plurality was slightly republican, but Douglas had the legislature and was reelected to the Senate. The battle still raged between Douglas and the allied forces against him, to the close of the presidential campaign of 1860, in which the Douglas democracy was completely overwhelmed. The struggle from 1858 to 1860 was Douglas's Waterloo, and 'Old Dick' was his Marshall Ney.

"Richardson declared to me that he had heard the popular oratory of Webster, Clay, and Corwin, and conceded their great powers, but that on the stump Douglas excelled all of them, and indeed he had no equal there."

be approved by Congress to become effective. Only free white male citizens could vote or hold office. Since the territory was to pass its own laws, the provision of the bill of 1848, extending the laws of Iowa over the territory except as they might be repealed by the governor, secretary, and judge was dropped. With these exceptions the bills were essentially alike.

The boundaries in the Dodge bill of December 14, 1853, were identical with those of the Richardson bill, and the bills were otherwise alike in all important provisions. The boundary of the final organic act differed from that of the Richardson and Dodge bills in taking in all of the remainder of the Louisiana purchase on the north, except that part of Minnesota lying west of the Mississippi river, instead of running only up to the 43d parallel; and on the south in running down to the 37th parallel instead of 36° 30′. There are two other important points of difference between the final organic act and the bills which preceded it, namely, that of the famous provision with regard to slavery and the dropping of the provision that legislation by the territorial assembly must be approved by Congress to become operative. This proviso was retained even in the substitute of January 23, 1854. The other bills also provided that the governor should act as superintendent of Indian affairs in place of those officers stationed at St. Louis, but this feature was dropped from the final bill.

The similarity of the main provisions of all these bills is explained by the fact that they, like the organic acts of all the territories which have been organized since 1787, except that of Florida, which was patterned after the Louisiana act, were constructed upon the framework of the immortal Ordinance of the northwest territory. Nebraska was distinguished in being the first territory with an elective legislature whose laws were not required to be submitted to Congress for approval before becoming effective. This submission was not required by the Ordinance of 1787, presumably because the governor, whose assent to legislative acts was required, and the upper house of the legislature were appointed by the president of the United States. There was a departure from this principle in the case of the territorial government of Orleans—the first government established by the United States within the Louisiana purchase. Though the governor and the legislative body, consisting of a council of thirteen members, were appointed by the president, yet, as they were residents of the territory so lately alien in fact, and still so in spirit, it was doubtless deemed discreet that Congress should have the power of vetoing their enactments. The organic acts of the earlier territories, such as Indiana, Mississippi, Michigan, Illinois, and Kentucky and Tennessee of the southwest territory followed closely the Ordinance of 1787. Missouri, the first territory organized after the original division of the Louisiana purchase into the territory of Orleans and the district of Louisiana, was at once allowed a legislative assembly, though the members of the upper house were appointed by the president.

In the organic act of Indiana, however, (1800) the first division of the northwest territory, a provision that the territory might have a legislature, "so soon as the governor thereof shall be satisfied that it is the desire of a majority of the freeholders thereof," was substituted for the rigid condition of the Ordinance of 1787 requiring five thousand free male inhabitants. No provision was made for a legislature in the organic act of the district of Louisiana (1805), and that of Michigan passed the same year merely adopted the Ordinance of 1787. The right of freeholders to decide when a legislature should be established was left to Illinois (1809) and Arkansas (1819). The organic act of Missouri (1812), and all the territories established after 1809 provided for immediate legislative assemblies. Wisconsin (1836), the next territory organized—excepting Florida—was the first to come in with the right to elect both houses of the legislature, but the act contained the offset that "all the laws of the governor and legislative assembly shall be submitted to, and, if disapproved by the Con-

gress of the United States, the same shall be null and of no effect." This provision for submission of enactments to Congress was incorporated in the organic acts of all the territories organized from that time until Nebraska and Kansas were reached, including Iowa (1838), Oregon (1848), Minnesota (1849), New Mexico and Utah (1850), and Washington (1853). Such undemocratic surveillance would have been galling to the spirit of popular sovereignty which pervaded the Kansas-Nebraska act, and the two principles were quite incompatible.

Under the Ordinance of 1787 members of the legislative council were required to be freeholders to the extent of five hundred acres, members of the house of representatives two hundred acres, and electors fifty acres. Members of the council of thirteen of the territory of Orleans were required to be owners of real estate. In the Missouri territorial act members of the council were required to own two hundred acres of land, and members of the lower house were required to be freeholders, and only free white males, who were also taxpayers, could vote. This provision of the Missouri act was applied to the territory of Arkansas. When Wisconsin was reached in 1836 all property qualifications for electors and members of the legislature were dropped, and were not resumed by any of the subsequent territorial organic acts, and like qualifications were required for both electors and representatives.

While the Ordinance of 1787 did not specifically restrict the suffrage to whites, it did provide that apportionment should be based upon the number of free males. The act of Congress (1808) "extending the right of suffrage" in Mississippi restricted it to free white males, but who should also hold fifty acres of land in accordance with the terms of the Ordinance of 1787. This restriction of the suffrage to "free white males" is found in every subsequent territorial act to and including that of Montana passed in 1864, excepting those of Oregon and Washington in which the term "white male" is used. But, beginning with Wisconsin and until Wyoming was reached, the legislative assemblies of the territories were left free by the organic acts to prescribe the qualifications of voters.

In the Ordinance of 1787 apportionment is based upon the number of free males, but in the acts of Mississippi (1808) and Missouri the term free white males is used; when Wisconsin is reached it is based upon the population, except Indians, and this basis is followed to the end.

In all the territories of the Louisiana Purchase, of Mexican acquisition, and of the northwest territory, beginning with Wisconsin, the suffrage restriction term always used was "free white males," while in the acts of Washington and Oregon the word free is left out. Was this curious fact due to another, namely, that in all the former territory slavery actually existed to a degree, and southern jealousy was bent on preventing any mulatto slave from voting?

[1] Stephen Arnold Douglas, author and promoter of the Kansas-Nebraska bill, was born at Brandon, Rutland county, Vermont, April 23, 1813. Educated at Brandon and at Canandaigua, New York. Remained at the latter place until 1833, pursuing the study of law. Located at Jacksonville, Illinois, where he taught school, was admitted to the bar and opened an office in 1834. In 1835 he was elected attorney general of Illinois, and zealously espoused the democratic side on all public questions. In 1835 he resigned as attorney general and was elected to the state legislature. In 1841 he was chosen one of the judges of the supreme court of Illinois, resigning in 1843 to take a seat in the house of representatives in the national Congress. In 1847 he was elected to the United States Senate and reelected in 1852. "Under his lead the Kansas-Nebraska bill was triumphantly carried in the senate, on the grounds that the principle of a division of the public domain between the sections by the Missouri or any other line had been totally abandoned by the adjustment of 1850, and the principle of non-intervention by congress, anywhere in the territories, substituted in its stead." In 1858 Mr. Douglas was reelected to the Senate after one of the fiercest contests ever waged in the United States for a similar position. In 1852 he was prominently mentioned as a candidate for the presidency, and in 1856 his name was presented to the Cincinnati convention, but withdrawn. In 1860 he was the most prominent candidate of the democracy for the presidential nomination and very probably would have received it but for the withdrawal of the southern delegates. He was, however, nominated by the northern democracy and with four tickets in the field polled a popular vote of 1,365,976, being second only to that of Buchanan. In the electoral college, however, Douglas received only twelve votes. "The great events of 1861 followed in rapid succession. Mr. Douglas was spared their full development, but threw his great influence on the side of the administration, and gave President Lincoln his cordial support. He died after a short illness at his residence in Chicago, June 3, 1861."

# CHAPTER VI

THE FIRST GOVERNOR—RIVAL TOWNS—ORGANIZATION—ELECTION PRECINCTS—FIRST CAPITAL CONTROVERSY—FIRST ELECTION.

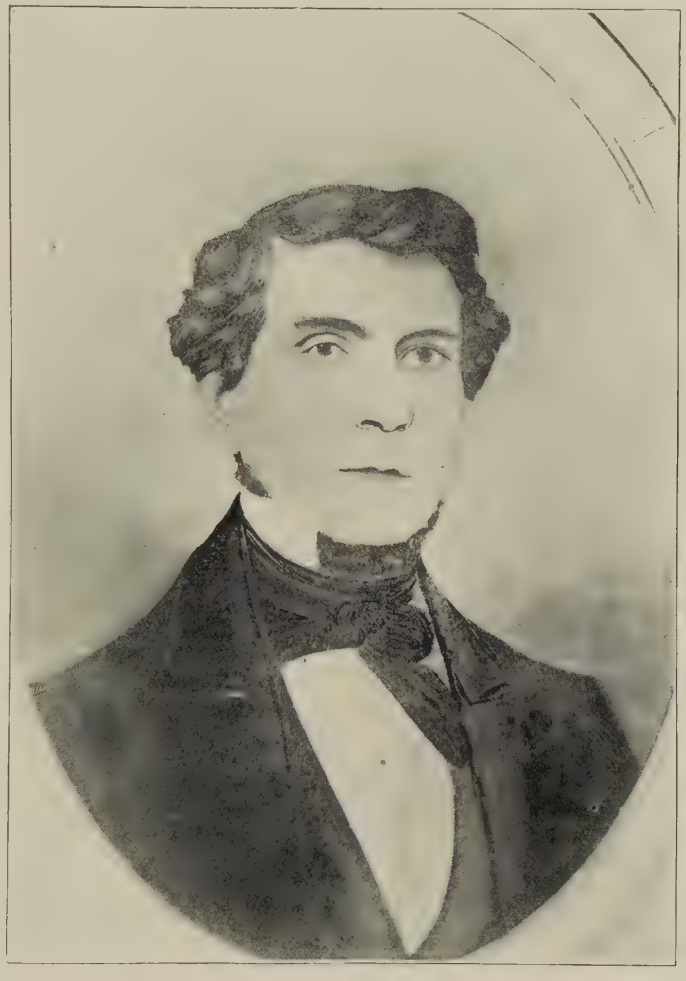
FRANCIS BURT was already a man of mark in the nation when, at the age of forty-seven years, he was appointed, by President Franklin Pierce, the first governor of Nebraska.[1] His previous training and experience in political public service excelled that of any governor of the state. He was a lawyer by profession, but at an early age began to take an active part in politics. He was a member of the famous nullification convention of South Carolina—his native state—in 1832, and then at the age of twenty-five began a career of nearly continuous membership of the state legislature until in 1844 he was elected state treasurer. From 1847 to 1851 he was editor of the Pendleton *Messenger*. In 1852 he sat as a member of the constitutional convention of his state, and was then again elected a member of the legislature. In 1853, soon after the inauguration of President Pierce, he was appointed third auditor of the treasury of the United States, and it is said that his executive services in that department were unusually efficient, until he was relieved by the appointment as governor. Governor Burt was born on his father's plantation, in what was called Edgefield district, South Carolina, January 13, 1807, the fifth of ten children. His grandfather, Matthew Burt, was born in 1732 at Mecklenburg, Virginia, and removed to Edgefield, South Carolina, after the Revolutionary war. His son Francis, the sixth of fourteen children and father of Governor Francis Burt, married Katharine Miles, whose mother was the daughter of a French Huguenot. Governor Burt in 1831 married George Ann Hall, eldest daughter of Dr. George Abbott Hall, who belonged to a Charleston family of Revolutionary note. They had eight children: Frank (died in 1850); Armistead, a practicing physician at Highrolls, New Mexico, who lost an arm while serving in the Confederate army; George Ann, married William H. Dawson of Charleston; Harriett Giraud, wife of D. M. Young; Joanna Lois, married George Roberts; Mary Eliza, married to William A. Johnstone; Katharine; and George Abbott, or Frank, as he was called after the death of his older brother, who is engaged in farming. All the living children are married except Katharine, who is at the head of an orphans' home at Macon, Georgia, which is under the auspices of the Episcopal church. The institution was originally a home for daughters of Confederate soldiers. Miss Burt, known as Sister Katharine, has devoted her life to this work.

A glance at the famous nullification convention and the conditions out of which it grew reveals in an interesting way the political character of the first governor of Nebraska and political conditions in the country when the territory started on its organized career. Roughly speaking, the northern states in the first quarter of the nineteenth century were looking mainly to manufactures, while the southern states were looking to agriculture. As a growing sentiment against slavery became manifest in the North about this time, alarm for its safety had begun in the South. While the sentiment of the people of the South was, for economic reasons, naturally against a protective tariff which, while it taxed their importations, could not benefit them, since they had no expectations of developing manufactures, yet the doctrine of rigid construction of the powers of the Constitution, which they began to advocate about this time, was intended primarily as a defense against congressional interference with slavery.

But these economic conditions were the immediate occasion, if they were not the prime

[1] William O. Butler of Kentucky had been previously appointed governor of Nebraska territory, but declined the office.—(Vol. 9, *Harper's Monthly*, p. 398.)

cause of the attempt to nullify the protective tariff acts of 1828 and 1832. South Carolina had cast her industrial fortunes upon agriculture alone and upon a single branch of agriculture, namely, cotton growing. Cotton was therefore the only important domestic product which the people of South Carolina had to exchange for the manufactured necessaries and luxuries then imported from European countries, and they felt and resented the high tariff of 1828 and 1832 as a direct and heavy burden upon their means of subsistence. And so they then and there began the rebellion which ripened in 1860 and ended in 1865.



FRANCIS BURT
FIRST GOVERNOR OF NEBRASKA TERRITORY
From a photograph owned by the Nebraska State Historical Society

In his message to the special session of the legislature which had been called to provide for the convention, Governor James Hamilton, Jr., insisted that the Union was "a confederacy composed of coequal and coordinate sovereigns." The resolutions which the convention adopted declared that the objectionable tariff laws "are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void and no law, not binding upon the state, its officers or citizens;" that it was the duty of the legislature to adopt measures to enforce the ordinance and prevent the enforcement and arrest the operation of the acts annulled; that no suits brought in the state courts involving the validity of the ordinance or legislative enactments to enforce it should be appealed to the United States Supreme Court, and that any attempt by federal authority to enforce the tariff laws would absolve the state from the Union.[1] Twenty-six members of the convention had the courage to vote against the adoption of the ordinance, but Governor Burt was not of them. He was one of the 136 voting aye.[2]

And yet when we consider times and conditions this drastic and revolutionary act should not excite our wonder. We may not affirm that Massachusetts would not then have acted similarly under similar serious provocation. There was as yet no strong or distinct comprehension of the importance or sacredness or inviolability of the union; and an adequate sentiment of this sort could only be awakened by a shock. The first awakening shock came with the clash of Jackson's imperious championship of a real union against this very South Carolina doctrine of

[1] *Niles's Register*, vol. 43, p. 219.

[2] *Niles's Register*, vol. 43, p. 277.

the rope of sand—of nullification. The final shock did not come till the day of Appomattox. In 1854, as in 1832, the South dominated the Union, South Carolina dominated the South, and the Burt family were to the South Carolina manner born, and were of influential standing in that turbulent, intractable, and irrepressible commonwealth.

Armistead Burt was even more prominent in public affairs than his younger brother, our Nebraska governor. He was a member of the House of Representatives for five consecutive terms, from 1843 to 1853, and was temporary speaker of the 30th Congress for a short time during the illness of the speaker. He survived the Civil war, politically as well as physically, and was a member of the South Carolina legislature of 1865 which enacted the "black code," and in 1876 assisted Gen. Wade Hampton in the revolutionary political movement which rid the state of the carpet-bag régime. Episodes in his career in Congress, at the time when Douglas was first undertaking the political organization of the vast northwest territory known as Nebraska, indicate the short-sighted, imperious presumption and narrow provincialism of the pro-slavery sentiment, which was to overreach itself in the repeal of the Missouri compromise by the Nebraska bill—the first step toward its self-destruction, secession being the second, and war the third and last. On the 21st of February, 1844, there was a sharp debate in the House over an attempt on the part of anti-slavery members to ignore or set aside the rule made by the 25th Congress excluding petitions for the abolition of slavery, and Mr. Burt, answering Beardsley of New York, uttered the following fiery speech:

"Language is impotent to express the intensity of scorn and contempt with which South Carolina regards the miserable, upstart morality of the North which attempts to hold up her domestic institutions to the odium of the world. . . . The gentleman from Maine (Severance) has told the House that that class of petitions will never cease until Congress does its duty by abolishing slavery in the District of Columbia; but I beg permission to say that whenever that discussion is raised in this hall it will be the last subject that an American Congress will ever discuss here. The South would regard it as a declaration of war, and she would act accordingly. She would not allow that government to which she had surrendered certain attributes of her sovereignty for the protection of this property to be permitted in any form to invade it."[1]

It must have been obvious at the time that the settlers of Nebraska would be strongly anti-slavery in sentiment, and it is indicative of the subservient spirit of Mr. Pierce's administration that a man so widely distant in both sentiment and location should be sent to rule over them. Our wonder is increased by the reflection that the great hardships incident to traversing the vast physical distance cost the first governor his life.

With the exception of the short beginning of the Milwaukee & Mississippi railroad—from Milwaukee, the Chicago & Rock Island to the Mississippi, and a few spurs or beginnings in Illinois, no railways had been built west of a line drawn north and south through Chicago. Most of the railways of the country were confined to southern Michigan, Ohio, and the northeastern and southeastern states.[2]

Governor Burt was commissioned August 2, 1854, and on the 11th of September following he left his home—Pendleton, South Carolina—for Nebraska, accompanied by his young son, Armistead, and several neighbors who intended to settle in the new territory. The party traveled by frequent alternations of private conveyance, "stage," railway, and

[1] *Cong. Globe*, vol. 13, pp. 303-4.

[2] According to a report made by the treasury department to the United States Senate in 1853 (Senate Document 112, 1st Sess., 32d Cong., vol. 11, p. 391) railway mileage was then distributed as follows: Maine, 365; New Hampshire, 50.); Vermont, 439; Massachusetts, 1,128; Connecticut, 630; New York, 2,148; New Jersey, 254; Pennsylvania, 1,215; Ohio, 1,154; Indiana, 755; Illinois, 296; Michigan, 427 (Michigan Central, 228; Michigan Southern, 133); Alabama, 161; Georgia, 857; Maryland, 433; Virginia, 624; North Carolina, 249; South Carolina, 599. Now Nebraska has a greater mileage than any southern state, excepting Texas and Georgia, and about the same as the latter.—(Statistics of Railways, Interstate Commerce Commission, 1901, p. 11.)

steamboat. The extreme isolation of Nebraska and the progress of railways toward the West at that time are illustrated in an interesting manner by the account of this journey given in a recent letter to the editor from Dr. Armistead Burt at his home in New Mexico.[1]

From Chicago they might have gone by the Chicago and Rock Island railroad, which had been completed to the Mississippi river earlier in the year 1854,[2] but since they could go part of the way to St. Louis by railroad and the rest of the journey by steamboat they preferred that route rather than to cross the unsettled plains of Iowa by wagon.

This very complicated and difficult gubernatorial journey was suggestive of the contemporary condition of politics and of the hard road over which Douglas, with his new whip of popular sovereignty, as embodied in the Nebraska bill, was attempting to drive the Democratic party. And yet, though the course of the governor and that of the intrepid leader of the democracy alike led to tragic disaster, it is doubtful that either could have chosen a better or wiser one. Comparison of the material and political condition of the country at that time, as illustrated by these aims and struggles of Burt and of Douglas, with present conditions reveals the miracle that has been wrought within the memory of living men.

Governor Burt was very ill when he reached St. Louis and was obliged to stop over there several days, confined to his bed. By the time he reached Bellevue, on the 7th of October, he had grown still worse, and he continued to sink until his death, which occurred October 18. He took the oath of office on the 16th, before Chief Justice Ferguson, and so was governor two days.

Correspondence between Mrs. Burt and her husband shows that she repined over his absence at his post in Washington, and when he submitted to her the question of his acceptance of the governorship of Nebraska she replied eagerly that she would go anywhere if they could only be together. These letters show

[1] "HIGHROLLS, NEW MEXICO, September 22, 1902.

"DEAR SIR—Your letter of the 5th inst., in which you ask a number of questions in regard to my father, reached me a few days ago. It gives me pleasure to answer them as fully as memory and the lapse of time will permit.

"First, in regard to the modes of travel. From Pendleton to Athens, Georgia, in his own conveyance; thence to Nashville, Tennessee, by rail; from Nashville to Louisville, Kentucky, by stage coach; by rail to Chicago, Illinois, and on to Alton; thence to St. Louis by boat; then up the river by boat to St. Joseph, the river being so low that the boat could not go higher, and the governor, being very anxious to reach the end of the journey, hired a hack and traveled in it to Nebraska City, which then contained one house, where he lodged one night. Next morning he hired a two-horse wagon from the only citizen of the city, and traveled in it to Bellevue, reaching there, I think the same evening.

"Being thoroughly worn out by the three days travel from St. Joseph he went to bed and was never again able to be up. We had physicians from Council Bluffs—I think a Dr. Malcolm and his partner. I am not positive as to the name and don't remember the diagnosis, but Governor Burt had been for years a dyspeptic and subject to bowel trouble. On the way out, the journey from Nashville to Louisville, during excessively hot, dry weather, drinking strong limestone water and traveling day and night in a rough coach, so exhausted him that he had to stop two or three days in St. Louis in care of a physician. The rest of the journey was as trying, if not more so, resulting in his reaching the end with his stomach and bowels deranged and without sufficient strength left to rally. At Bellevue were two or three houses, the principal one being a Presbyterian mission in charge of a very kind clergyman whose name was, I think, Hamilton. He had Governor Burt moved to the mission and did what he could for him.

"There was an old man who lived across the river at a little village, St. Mary, who was also very kind. His name was Sarpy. Then there was Mr. Decatur, who kept store on the Nebraska side, and a few others whose names I have forgotten.

"The governor's intention was to convene the first legislature at Bellevue; I think the Rev. Mr. Hamilton had offered the mission house for the purpose. As to locating the capital I remember hearing him say he intended to choose a place that would, he hoped, be permanently the capital of the state. He intended to make Nebraska his home.

"Hoping the above is as full as you wish and assuring you that it will give me pleasure to serve you further if I can, I am,

"Yours truly,

"A. BURT."

[2] There is a singular discrepancy in what should be considered authoritative statements as to the time of the opening of this first railway to the Mississippi river. The Rock Island *Republican* of March 1, 1854, says that the first train of cars over this road reached Rock Island, February 22, 1854, and this ought to be reliable. On the other hand there is an item in the Annals of Iowa, of October, 1902 (vol. 5, No. 7), which states that Millard Fillmore, former president of the United States, came to Iowa in June, 1855, on the occasion of the opening of the Chicago, Rock Island & Pacific railway to Rock Island; and that State Senator P. W. Crawford, who was present, gives an account of the incident in the Dubuque *Telegraph-Herald* of September 17, 1902. *Poor's Manual* gives the time of the completion of the road as July 10, 1854.

that it was the governor's intention to live permanently in Nebraska, and his wife urged tenderly that he deserved a wider field for his abilities than was afforded by the little isolated town of Pendleton. It appears also that before the Nebraska appointment came they bitterly resented the failure of President Pierce to appoint Mr. Burt governor of Kansas according to a promise which they understood he had made. The story of the governor's funeral journey back to Pendleton and to the wife is in pathetic contrast to the eager hope and solicitude she had expressed for a permanent family home, though in an unknown and immeasurably distant country.

On the 19th of October Acting Governor Cuming appointed Barton Green, Col. Ward B. Howard, James Doyle, and W. R. Jones[1] as an escort for the body of Governor Burt to his South Carolina home. They were allowed from the contingent fund $2 a day and actual traveling expenses, and the boy, Armistead Burt, was allowed traveling expenses to Pendleton.[2]

FIRST CLAIM CABIN IN NEBRASKA
BUILT BY DANIEL NORTON, BETWEEN OMAHA AND BELLEVUE, IN 1853
From drawing by Geo. Simons, in the frontier sketch book of N. P. Dodge

It has already been pointed out that western border Iowans were the self-constituted but logical "next friends" of prospective Nebraska, and the following picture of conditions and prospects of the coming territory drawn by Mr. Henn,[3] representative from western Iowa, in a speech in the House of Representatives, March 3, 1854, already quoted from, should be regarded as fairly true to nature:

"Ten years ago we looked for a further west, and for the time when Iowa was to be a frontier state no longer. Step by step that emigrating spirit, which first breathed American air on Plymouth Rock, was looking forward to the beautiful valleys of the Platte and the Kansas. Nebraska, a name familiar only to Indian ears, was in a few short months becoming a watchword for the frontier settlers. The year 1846 found not a few on the banks of the Missouri awaiting legal authority to cross and occupy 'those green meadows prepared by nature's hand.' In the summer of 1853 not less than 3,000 souls had assembled on the frontiers of Iowa ready to make their future home on that soil."[4]

He then goes on to say that he had voted against the measure for territorial organization a year ago to save the rights of the Indians, but in favor of appropriations for securing treaties since made. According to reliable estimates, he said, there were now in Nebraska 9,000,000 acres of land obtained from the Indians by purchase and treaty, and

[1] Barton Green was a resident of Ohio and Col. Ward B. Howard was from Peekskill, New York, while James Doyle and W. R. Jones were South Carolinians who had come to the territory with Governor Burt. Neither ever returned to Nebraska so far as is known.

[2] Original order of Governor Cuming, Collections Neb. State Hist. Soc.

[3] Omaha was called "Henntown" derisively by its rivals, and the *Palladium* of January 17, 1855, indulges in this sarcasm:

"We would respectfully suggest that inasmuch as the Hon. Mr. Henn is one of the principal proprietors of Omaha City, and assisted in procuring the appointment of T. B. Cuming, secretary of Nebraska, and inasmuch as the said Hon. Mr. Henn is now laboring in the congress of the United States for the 'relief' of the said Omaha, that as an act of justice to him the city of Omaha should be named after him; we therefore suggest that hereafter the name of Omaha City be changed to Henntown.

"'T is distance lends enchantment to the view,
And gives to Omaha its lovely hue;
But when you see this far-famed city, west,
What is it but a Henn's or cackler's nest?"

[4] Appendix *Cong. Globe*, vol. 29, p. 885.

12,133,120 acres heretofore owned by the United States—in all, 21,133,120 acres open for settlement.

Replying to the objection raised by opponents of the bill that "there are no people in the country proposed to be organized except Indians, half-breeds, traders, soldiers, and those in the employ of the Indian bureau," Mr. Henn said that a few months ago this was no doubt the case, because the people of the frontier were law-abiding and unwilling to interfere with the regulations of the government which forbade their occupancy of the country. Yet an intelligent citizen had informed him that two months since there were between five hundred and six hundred whites within that territory by permission of officers of the government—three hundred at Ft. Laramie, two hundred at Ft. Kearney, and seventy-five scattered at other points. Within three days after the passage of the bill, he asserted, there would be not less than three thousand people in Nebraska; and the same conditions existed in Kansas.

BELLEVUE, NEBRASKA, 1856
No. 1 (near center), old home of Peter A. Sarpy; No. 2 (in foreground), Sarpy's new home; No. 3, Indian mission; hill on extreme right, present site of Bellevue College
Drawing by Simons, from N. P. Dodge sketch book

But in numbers, aspirations, and hopes the carpetbag politicians and other promoters of the infant territory were as great as its actual population was small, and the town-sites did not fall below them in any of the qualities named. The first number of the *Arrow* makes a round-up of those worthy of notice.[1]

These pioneers attached great importance to the esthetic quality of the sites of the future cities, and it was exploited to the utmost in the acrimonious controversies over the respective merits of Omaha and Bellevue. To the *Palladium's* observation that "Belleview is admitted by every important observer to be the most commanding and beautiful location" the *Arrow* replies that Omaha "is nevertheless a handsome place;" and in detail: "It occupies a beautiful plateau, sloping well to the river. . . . The view is extensive and picturesque, taking in a

[1] "Omaha city may be considered among the first in importance. It is situated directly opposite Bluff city upon a delightful and sightly eminence overlooking the country on all sides for miles around, bringing in view the city of Council Bluffs, town of St. Mary, Trader's Point, and Council Point in Iowa, and Winter Quarters in this territory. It extends directly to the river landing and back upwards of a mile and some mile and a half up and down the river. There is some 1,500 lots surveyed, together with a large square on the summit of the elevation for the capitol. The streets are 100 feet wide and alleys divide each block. There are a number of cool, clear streams and springs of water in various parts of the town site. A heavy body of timber, including many square miles, lies immediately below and adjoining the city, and wide open prairies stretch back from the river that will make most delightful farms. An extensive brick yard is in successful operation and a large amount of prime lumber and shingles is looked for daily. A number of houses are already reared, and hundreds are anticipating building this summer and fall. Preparations are in progress for rearing a large and commodious building immediately, to be used at present as a State House and for offices for the various departments provided it should be required by the executive. A good and commodious ferry boat runs every day regularly between this city and Council Bluffs. . . . The next in importance is Belleview, some ten miles below this city. It is situated about three miles from the river upon a high and beautiful eminence, commanding a view for many miles around, including Bluff City, St. Mary, and Chouteau. There is timber in the bottoms below the site and a continuous body all the way to this city. There are good springs of water at hand, a plenty of rock near at hand, with good farming lands around. The old Mission House, the government agency buildings, and Trading House of the American Fur Company, are near the site. Mr. Sarpy has a new steam ferry boat which continues to run across through the business part of the year, but is now laid up until spring. Ferrying is, however,

long reach of the river both up and down, the broad, rich bottom lands dotted over with fields, houses and cattle, and a strange, romantic, and bewildering background of indented and variously formed bluffs."[1]

Nor was the industrious promulgation of this early "Iowa idea"[2] confined to the local field. In the same issue of the *Arrow* is copied correspondence of the Ohio *State Journal* which tells the old, old story:

"But the site which seems to me to contain the most advantages is that of the city of Omaha. . . . The plat is most beautiful and attractive. . . . Several gentlemen of capital and great influence are interested in this new city and a regular survey and platting of premises is now going on. Being so near Council Bluffs, the only town of any size in western Iowa, it has many advantages as the seat of government, and a vigorous effort is being made by those having influence in the right quarter to secure that object. A public square and a state house will be donated by the company for this purpose. If it succeeds Omaha will at once take rank as the first city in Nebraska, and if the roads come to Council Bluffs it will, whether it becomes the capital or not, assume an important position."

We may well believe that these esthetic conceits would be much less obtruded in a contest for the choice of a site of a capital in the face of the more dominant commercial spirit of the present. But our beauty-struck pioneers did not, after all, miss the main chance; for in the same article the *Arrow* significantly observes that, "in full view, and due east, is Council Bluffs City, the great and well known local point of the Iowa railroads."

While this mouth-piece of Council Bluffs spoke wide of the fact—for that place had not been fixed upon then as the objective of any railroad—yet he did not speak without his reckoning. He could with some safety discount the influences around him which, about two years later, diverted the Rock Island down the Mosquito to Council Bluffs from its intended route down Pigeon creek to a terminus at the rock-bottom crossing opposite Florence.[3] And while this reason was not free from the hit-or-miss element and the influence of the wish over the thought, yet it foreshadowed a great economic fact. Here the railway was to precede occupancy and growth, and so, during an exceptionally long period of commercial and political dominance was to receive, if not to exact, from its creatures recognition and obeisance as the creator of the commonwealth.

At the beginning Nebraska was a state without people, and it remained so, virtually, until their forerunners, the railroads, opened the way for and brought them. This phenomenon distinguishes the settlement of the trans-Missouri plains from that of the country

done with few boats for the present. Ft. Kearney is situated some 18 miles below the mouth of the Platte and is also on the river, and is also a beautiful and charming location with all necessary advantages for being rapidly built into a thriving city. We can not speak from much observation of this point.

"Winter Quarters is also located upon the river some ten miles above this city; is pleasantly situated upon a high bench and inclined plane, giving a fair and pretty view of the country for a great distance around, and is the old site of the "Winter Quarters" of the first Mormon pioneers. The town is now being surveyed and improvements and public buildings are being erected. There is good water, plenty of rock, considerable timber and excellent farming lands adjacent. A flat boat ferry is kept in operation for the benefit of settlers, etc. Ft. Calhoun is some 15 miles still up the river and is expected to be laid out upon the site of the old fort, which is upon a bench or plateau some 50 or 100 feet above the river. . . . There are, without doubt, other equally eligible sites further up the river; none, however, have yet come to our notice. Upon the Elk Horn and Loup Fork there will also doubtless be large towns built. The climate is pleasant and congenial in this region and the soil unsurpassed for fertility in the world, producing anything that is natural to Ohio or Illinois." July 28, 1858.

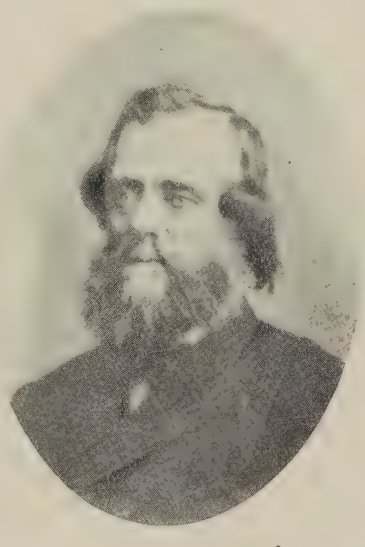
[1] The Omaha *Arrow*, August 6, 1854.

[2] This phrase became famous in the political campaign of 1902 as the characterization of the demand for tariff revision by a faction of the Republican party of Iowa.

[3] General G. M. Dodge, who in 1853–54, surveyed the route for the Mississippi & Missouri (afterward the Rock Island) railroad, in a letter to the editor dated December 11, 1902, states that while the promoters of the railway strongly favored the Pigeon creek route his surveys demonstrated that the Mosquito route was more feasible, and on this account it was adopted. The Council Bluffs *Bugle* of April 14, 1857—Johnson, Carpenter, and Babbitt editors and proprietors—stoutly defends General Dodge from accusations of having acted from improper motives in changing the route from Pigeon creek to the Mosquito valley. The date on which the change was approved is determined by a telegram copied in the article in question, as follows: "New York, March 31, 1857. To J. Smith Hooton, mayor of Council Bluffs: To-day the directors adopted the Mosquito route. Enos Lowe."

eastward of them. There the railways followed the people. Here they preceded the people, and hither, as self-created immigration bureaus, they both persuaded and carried them. It was when the railways, having crossed Illinois and having been projected across Iowa, pointed the way to the occupancy of the plains that the people collected on the eastern bank of the Missouri river barrier and cast a wistful eye to the Nebraska Canaan.

On these plains, in their isolated state, the industrial arts were impracticable; there was only the soil capable of producing staple foods. Until the railways came to carry the staple products of the soil to the far eastern market, and to bring back in exchange all the other necessities of life, including, besides the indispensable fuel, the very tools and material for cultivating the soil, the erection of shelter for man and beast and for all other improvements, life could be endurable only along the Missouri river, and comfortable nowhere. So great was the extremity in this beginning of civilized utilization of these plains that even statesmen, usually the most ubiquitous of all our animals, were wanting, necessitating the importation of members of Congress and even of the local legislature.



CHARLES H. DOWNS[1]
PIONEER OF OMAHA, NEBRASKA

The pleasantries and sarcasms of the mouthpieces of the two principal and rival towns lay bare like search-lights the extreme slenderness of the foundations on which the political beginning was to rest. The *Arrow* of October 13, 1854, referring to a reception at Bellevue prepared for Governor Burt on his arrival, says it was reported that there were fifteen persons present—"all the citizens and some neighbors." The *Palladium* of the week before had a sarcastic account of the editor's visit to Omaha. He tells us that after landing from the steam ferry boat:

"We expected the beauty of the location would manifest itself at first glance, and then the commanding features we had often read of in the *Arrow*, would at once claim our attention. But, instead of this we looked around wondering which way to go to find the city. We were at a loss at first to satisfy ourselves that it was actually spread out before us, and much more to identify the locality of its commanding point—the focus of business."

And then the outraged *Arrow* lets fly in this spirited fashion, and though we are

[1] Charles H. Downs, pioneer of Omaha, Nebraska, son of Henry and Sallie (Botsford) Downs, natives of Connecticut, was born February 14, 1819, in New Haven county, Connecticut. His father was squire of his township many years and died at the age of fifty-five. C. H. Downs attended the district schools of his home town where he lived until grown to manhood. In the fall of 1843, with four other young men, he went to Ohio, making the trip from Albany to Buffalo by canal, then by steamboat to Ft. Huron, and overland the remainder of the distance by stage and private conveyance. In 1850 he went to California where he remained two years prospecting in the gold mines of that state. April 12, 1854, Mr. Downs came to Council Bluffs, Iowa. Here he accepted a position with a ferry line company and became captain of a boat which was called the General Marion. He managed the transfer business of this ferry line between Council Bluffs and Omaha for eight years. In the spring of 1855, the General Marion having sunk on account of damage during the winter by ice, the company purchased a new boat in St. Louis known as the Mary Cole, which was also wrecked and sunk before Plattsmouth was reached. They next bought a craft of Peter A. Sarpy, known as the Nebraska No. 1. This boat was more fortunate than its predecessors, and was put in service upon the river. On April 26, 1854, just fourteen days after landing in Council Bluffs, Captain Downs moved a little 12 by 14 house which had been brought up the river on the boat to the Nebraska side and placed it near the "Lone Tree," at the foot of what is now Davenport street. July 17, 1854, the town site of Omaha was laid out, and while Captain Downs continued to manage the ferry business he also became active in the interests of the new town. In 1862 he went to the Pacific coast, remaining two years, then returned to Omaha, where he has since resided. He was largely interested in the Omaha smelter and helped to build it, serving for five years as the president of the company. In 1871 the Omaha & Northwestern railroad was started, track laid as far as Tekamah, when the hard times and grasshoppers came and the company failed temporarily, though the road was afterwards built. Captain Downs was a stockholder in this company and sustained a loss of $75,000. He was a member of the ferry company that

thankful for the information about Omaha which is disclosed by the retort, we can not but feel that it is relatively blunt:

"Focus of business indeed! Four months ago there was not a family upon this spot nor a house reared. Now there are two stores and some twenty houses, with a score more in progress. Query: Where is the 'focus of business' at Belleview? When there has been one house reared upon the *commanding* site we shall not farther intrude so impertinent an inquiry. The city of Belleview is easily found, not a building nor a pile of material obstructs the vision."[1]

The same number of the *Arrow* announced that arrangements had been made at Omaha for a reception to Governor Burt "in a style which would have done credit to many an older place." The committee of reception were Charles B. Smith, Alfred D. Jones, William R. Rogers,[2] Robert B. Whitted, Michael Murphy, William Clancy, Samuel A. Lewis, Charles H. Downs, William N. Byers, and William Wright. The committee of arrangements were T. Allen, Charles B. Smith, David Lindley, Alexander Davis, and Charles H. Downs. "Both committees will continue in their respective stations until such time as the governor's health will justify their action." But the committees continued in their respective stations till, one by one, so far as is known, with the single exception of Charles H. Downs, they have been summoned to follow the ruler they were to honor to the other shore where mayhap the long prepared reception has at last been held.

Though Secretary Cuming, who, by the death of Governor Burt and the provision of the organic act, became acting governor, was to be architect of the organic beginning of Nebraska, yet in a deeper and broader sense the beginning had taken place in the summer and fall of 1854, on the advent of the settlers who came filled with the anticipations and hopes, accustomed to the asperities, inured to the hardships, and conscious of the constructive responsibilities and duties of pioneer life. For fifty-one years after its acquisition the land these pioneers had come to possess had been an unorganized prairie wilderness. During all that time the geographers had described it as a part of the Great American Desert, unfit for agriculture—of too arid a climate and too lean a soil to attract or sustain any considerable permanent civilized population.

There were neither laws nor political organization. The bare and ill-defined territorial boundary was the only finger-mark of civilization or sign of civilized control. Writer and reader are able to remember that the nearest railway was yet three hundred miles from our borders. Reliable estimates that property values, real and personal, approximate two thousand million dollars in 1903 show the miracle wrought by these beginners whose creed has been faith and good works. And this enormous and almost incomprehensible sum vested in the farms, homes, manufactories, railroads, and other belongings of Nebraska has been accumulated almost wholly by the tillage of its fecund soil. The homely art of plowing and the faithful labor of planting, fused with domestic economy and good management by individual citizens, have populated, organized, and developed the resources of the ninety counties, caused all the beautiful homes, the fruitful orchards, the bountiful crops, the thriving plants of manufacture, and the prosperous towns and cities to arise like exhalations upon the prairies. Then the most

built the first capitol of Nebraska in Omaha. He long since retired from active business life and is spending his declining years in peace and quiet.

He was married in 1860 to Cornelia C. Smith of Vermont, and two children were born to them: Annie and Charlotta, now Mrs. Chrismond. Mrs. Chrismond has one son, Roswold Hering Chrismond.

[1] To answer the very strong argument made by the *Palladium* that Bellevue had been first chosen as a site for a trading post and town by the unbiased, shrewd judgment of Indian traders and missionaries, the *Arrow* was obliged to resort to abusive epithet, characterizing these original founders, as "sagacious Indian agents, sanctimonious Indian missionaries, and teachers of elastic conscience." The *Palladium* put the matter in a nutshell thus: "Bluff City located that place (Omaha) and not its merits." It might be said in extenuation of this interference with the natural order that Bluff City, like Bellevue, had been naturally or instinctively chosen, so that Omaha was at least a natural site by reflection or extension.

[2] William R. Rogers, father of Samuel E. Rogers, came to the territory in August, 1854, and died October 14, 1854, at the age of fifty-four years.

hopeful and prophetic hardly expected to see any acre of Nebraska land sold for agricultural purposes during his life for more than twenty-five dollars, or thought that improvement was practicable more than forty to sixty miles beyond our eastern border. Land in and of itself has no more exchangeable value than air and water; it depends for its value on human effort put forth upon it, or in relation to it. As lately as 1866 one could get agricultural college scrip for fifty to seventy cents an acre. The value of lands then expressed in cents must be expressed in like numbers of dollars now.

"I offered to sell to some parties in New York City twenty thousand acres of Otoe county land for twenty thousand dollars. The proposition was based upon an option of twenty thousand acres of college scrip, belonging to the state of Maryland, which a friend had secured for me. Elated at the prospect of making forty cents an acre I went in great haste to the city of New York, and there for two weeks labored to impress upon the minds of possible purchasers my faith that the land would be worth five or ten dollars an acre in ten or fifteen years. But, while they listened to my descriptions of the soil, its possibilities in productiveness, and my forecasts of future values, not a man of the wealthy financiers with whom I labored, and all of them had idle money, would buy an acre. The scheme fell through because, in the judgment of the New Yorkers, we were too remote from means of transportation."[1]

FENNER FERGUSON[2]
FIRST CHIEF JUSTICE OF THE SUPREME COURT OF THE TERRITORY OF NEBRASKA

No railroad touched the east bank of the Missouri opposite Nebraska until 1867. Then the Northwestern reached Council Bluffs, and offered the farmers of this state their first rail connection with Chicago and the markets of the East. Those rails were laid in relation to Nebraska lands. The Rock Island and the Burlington soon followed, and together with the Union Pacific and other railroad lines on the west bank of the Missouri contributed to establish land values from the river to the foot-hills of the mountains.

The acting governor of Nebraska, Thomas B. Cuming, ostensibly lived on the town-site

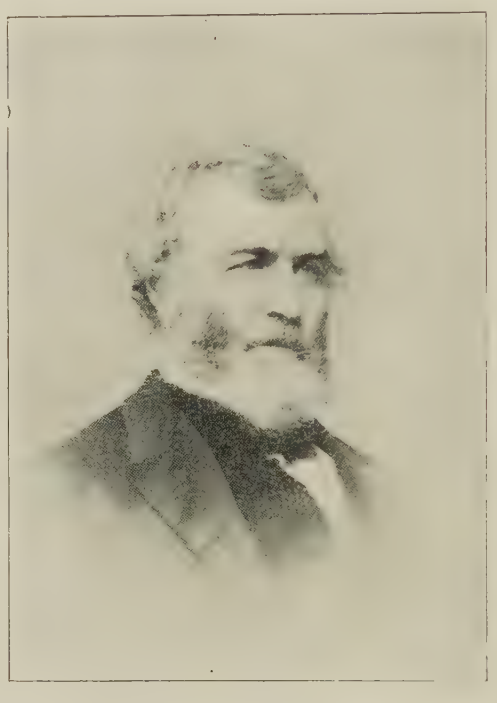
[1] Personal recollections of J. Sterling Morton.

[2] Fenner Ferguson was born in Nassau, Rennsellaer county, New York, in 1814. He was the son of Stephen Ferguson, whose birth antedated the Revolutionary war. He was reared on his father's farm and acquired a common school and academic education, subsequently reading law in the office of Coon & Branhall, at Albany, New York. He was admitted to the bar in New York by Chief Justice Nelson, in 1840. After his admission to the bar the firm became Coon, Branhall, and Ferguson. He enjoyed a considerable practice in Albany and surrounding counties, as well as in New York City, and represented the Patroon Colonial Land Grant under one of the Georges.

In 1846, on account of ill health, he removed to Albion, Michigan. There were no railroads in existence then, and the trip was made partly by the Erie canal and the remainder overland. He met with marked success in his practice in Michigan, and during the eight years of his residence in that state he served successively as master in chancery, district attorney, and a member of the state legislature.

October 12, 1854, he was appointed by President Pierce first chief justice of the supreme court of the territory of Nebraska, under the provision of the act of Congress approved May 30 of that year. He at once removed with his family to Bellevue, Nebraska, where he resided until his death, November 16, 1859. He

of Omaha, but he really abode at Council Bluffs. The city of Omaha had a population not exceeding one hundred and fifty. It had no hotel, only a half dozen finished cabins, a few shanties, and a tavern in process of erection to be called the Douglas House; and neither man nor beast could yet find comfort there in the way of board and lodging. Of tawny autumnal color, the unbroken plains stretched from that hamlet to the Rocky mountains like a gigantic canvas awaiting only the touch of intelligent industry to make it glow with all the vivid shades and colorings of modern civilization. But precedent to all enterprise and development was required the establishment of order, civil organization, and law. The organic act provided for that The United States had authorized the president to appoint for the territory a governor, a secretary, three district judges, a district attorney, and a marshal. President Franklin Pierce had named, and the Senate had confirmed Francis Burt of South Carolina, governor; Thomas B. Cuming of Iowa, secretary; Experience Estabrook of Wisconsin, United States district attorney; Fenner Ferguson of Michigan, chief justice; E. R. Harden of Georgia and James Bradley of Indiana, associate justices of the supreme court; and Mark W. Izard of Arkansas, United States marshal. Each of the judges of the supreme court was judge also of one of the three judicial districts.



JAMES BRADLEY[2]
ASSOCIATE JUSTICE OF THE FIRST SUPREME COURT OF THE TERRITORY OF NEBRASKA

It will be seen that the carpetbag system had full sway in that early day; and under it the unfortunate territories have ever since continued to be the eleemosynary asylum for superannuated or superfluous politicians. In considering the question as to who should succeed Governor Burt the Omaha *Arrow*[1] furnishes us at once a strong and discriminating characterization of the pioneers—the more forceful and interesting because "written on the spot," and by one of them—and an attack on the carpetbag system.

"It is with heartfelt gratification that we witness the degree of patriotism and self-sacrifice manifested of late by persons throughout the territory desirous of serving the 'dear people' in the capacity of your humble ser-

organized the first district and supreme courts of Nebraska, and assisted the first territorial legislature in drafting the first code of laws enacted for the government of the territory. After three years of service as chief justice he resigned, having been elected, August 3, 1857, delegate to Congress from the territory. He was sworn in December 7, 1857, and served until March 3, 1859. It was upon his return from Washington in the fall of the latter year that he was stricken by illness, which resulted in his death October 11, 1859. He was buried at Bellevue, Nebraska.

In 1841 he was married at Troy, New York, to Helena E. Upjohn, who survived him nearly thirty years, dying in 1888. Her remains lie beside those of her husband at Bellevue. She was a daughter of William Upjohn, who in early life was a civil engineer in London, England, but who emigrated to New York when she was a mere child. Mrs. Ferguson bore her husband four children: Arthur N., Alfred G., Stephen W., and Charles F.; the last three are dead.

[1] November 10, 1854.

[2] James Bradley was born August 19, 1810, at East Bradford on the Brandywine, Chester county, Pennsylvania. He was a son of Emor and Deborah (Hannum Bradley, the latter a daughter of Col. John Hannum, a Revolutionary patriot. His early life was spent upon a farm and he was educated in the schools of his native county. He began life as a teacher, but having been trained as a civil engineer he soon took up that work, for which he had marked talent. His work as an engineer was in canal construction, and he soon received the appointment of chief engineer of the commonwealth of Pennsylvania. In 1840 he removed to Laporte, Indiana, where he continued to pursue his profession, and assisted in surveying and building the Lake Shore railroad. However, the law attracted

vant, in the small number of offices within the gift of an honest pioneer constituency. Cosily seated as we are in our prairie sanctum, we can watch the whole field with a degree of pleasure, an interest unappreciated by the aspiring patriots or, genteelly termed, Nebraska office seekers. . . .

"We see around us and all over our territory needy aspirants for the forty representative offices within the gift of a constituency who have led the van in opening one of the loveliest countries the sun ever shone upon. We see persons anxious, eager, striving for the votes of a people upon whom the old fogy sobriquet of squatters has often been applied, yet a people as honest, as noble, as generous, as hospitable, as practically and theoretically democratic as any in this broad land of ours. They are our friends and we are emphatically theirs. They have come here, not as aspirants for political favors, or under outside pressure for patronage, but have come like us, to rear a home on the frontier, and freed from the anti-progressive customs of old states, act and feel as God in His infinite wisdom intended man to act and feel.

"In selecting those, therefore, who are to represent and make laws, to govern and protect us, we want practical, honest men; we want men who are even above the suspicion of being influenced by motives of pecuniary interest; men who know the country and people whom they represent, who have been identified with their interests, who have worked and will continue to work for those interests. . . . We are half inclined to believe that every battle-riddled politician, every boaster of bold political deeds of days gone by, every ranting politician should be left to pursue any other avocation than to serve the 'dear people,' and plain, practical, progressive men be allowed to act for us in the legislative halls. Of all the creatures that roam this fair land of ours, whom we really most pity, and whom we hold in supreme contempt that species of greedy aspirants that always hurry to a new country to court public favor, without basing their claims upon the shadow of a right, stand in the superlative degree. We have no faith in their promises, no faith in their actions. They cannot pass the ordeal among Nebraska voters."

But our editor, like all of them who perch upon the tripod of the "organ," is no fool to make a stumbling block of his consistency, and does not hesitate to mock that bauble jewel. On the same page with his settler of carpetbagism he declares that the appointment of Izard from the alien Arkansas country "would meet with the hearty concurrence of the people," and he reenforces a puff of Secretary Cuming of the foreign state of Iowa for the same office, which he has clipped from an Iowa paper, with the assurance that "his many friends here would heartily rejoice at such a deserved promotion."

And then in the next column our editor, giving full vent to his innate sentiment and fancy, answers the question at the head of his article, "Who will be appointed governor of Nebraska?" in this strain:

"This is a question of no little importance and one that we often hear asked.

"Although we were born and reared in the East and all our early associations are bound up in the hills, valleys, hemlock slopes and clay soils of the East, still we do not the less appreciate the energy, spirit, talent, usefulness, and real perceptiveness of the pioneers of the West. We love them because we know there is the real stuff in them that constitutes all that is excellent, noble, brave, exalted, and statesmanlike. We speak not of the mass, but of many of the choice spirits that compose that industrious and excellent class of society.

"They leave the quiet firesides of home, often strewed with the luxuries to which their lives will in future be strangers, to the occupation and use of those who are less able to make a name and fortune for themselves, or who are less ambitious to do a work that shall signalize them among those who are benefactors of their fellow creatures.

him, and having studied that profession, he was admitted to the bar in 1841. Being possessed of keen perception, a retentive memory, a logical and analytical mind, he was well equipped for his chosen profession, and soon became one of the most prominent lawyers of that vicinity.

Judge Bradley was a democrat, but never sought political honors. In 1850 he was elected to the legislature of Indiana for one term, and in 1868 was elected to the state senate, serving four years. In June, 1854, he was appointed associate justice of the supreme court of Nebraska territory. He entered upon the duties of that office with the expectation of making the territory his home, but the roughness of the country at that time, the lack of educational facilities, and his wife's delicate health rendered it inadvisable, and in 1857 he resigned the office and returned to Indiana. Here he pursued the practice of his profession until advancing age compelled him to relinquish it. He died April 30, 1877, in Laporte.

He was married March 24, 1842, to Anna Maria Reid, daughter of John C. Reid, and seven children were born to them, four of whom are now living. Mrs. Esther B. Thomas, Santa Fe, N. M.; Mrs. Julius C. Eliel, Minneapolis, Minn.; Mrs. James T. Dicks, Nashville, Tenn., and Mr. George Bradley, Salt Lake City, Utah

"They are those who retreat from the pleasant haunts of youth, often sundering ties dearer than life to become an humble citizen of the great, the unbounded, the glorious West. Such heed not labor, toil, or privation, they are ever ready to meet the disappointment or success, and in this great school every day they receive a new lesson, and early become the true judges of human nature, the real philosophers of human phenomena. Such a class of men can never be oppressed or borne down with servility or tyranny in any form, and of such are and will be the most intelligent and exalted statesmen of this continent.

"For 20 years have we been on the trail of the frontiers-men; and for that time have we ever noticed that among the early settlers may be found the men who will dare anything and who are capable of everything. Such men, tho' as tame as a summer flower, and as submissive to right as is the ox to his owner; still no men are better judges of right than themselves. They know the country, the locality, the wants and necessities of the people in their rude manners and customs, and there are no other class of men more capable of making laws or governing a country.

"We have noticed with some degree of interest the seldom failing practice by the chief executives of our Nation, of appointing for the new territories men from countries far removed, that know little or nothing of the people over which they are to exercise a brief authority. Men whose tastes, habits, peculiarities, predilections, and views have been directed in a channel far different, and altho' they may be numbered among the best of men, they may be quite unfit for the position assigned them and unable to bear up physically under the great changes they are forced to undergo.

"No, we assert it boldly and with a firm conviction of the correctness of our position. The Pioneers should for their Governor have a good, plain, practical, frontier man, one who is not afraid of the heat of summer or the frosts of winter, that can sup from a prairie dog and still be a statesman. One whose talent and good sense is as discernible in the rude cabin as the princely mansion. One who knows the people over which he is placed, as well as their wants and necessities.

"Give us such a man for Governor, and to such a one the people, the hardy pioneer, the energetic squatter, will subscribe with all their heart and soul. We look not at the outside; the roughest covering often hides the most brilliant gem, or the mine of wealth. Give us the men schooled in storms, or opposed by hurricanes of adversity. Such men are firm and unwavering in purpose and are worth a thousand band-box or silk stocking gentry."

On the 18th of October the death of Governor Burt, at the mission house in Bellevue, was officially announced by Acting Governor Cuming. The proclamation of that death was the first executive act.[1] Thus the beginning of the life of a state which is indestructible was the official announcement of the death of its principal citizen, who saw only possibilities where others of his time and generation are permitted to experience great realities.

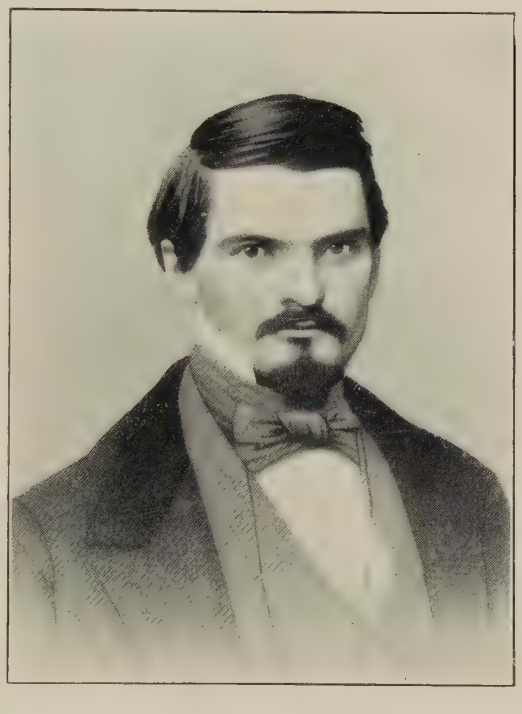
Acting Governor Cuming was thirty years of age, a swarthy, compactly built man, with a head and features that plainly bespoke power of will, sagacity, and courage. He was about five feet eight inches in height, and weighed perhaps one hundred and thirty pounds. His hair was dark and as straight as that of an Indian. His black eyes, flashing energy and determination, possessed also that charm which sturdy and intellectual training so largely contribute. He was a thoroughly educated man, a graduate of the university of Michigan, for entering which he had been carefully and rigorously prepared in Latin, Greek, and mathematics by his father, the Rev. Dr. Cuming, a distinguished clergyman of the Episcopal church in the Peninsular state. With a fine aptitude and versatility, Governor Cuming had entered journalism zealously for his life calling, and was, when appointed secretary, editing the *Dispatch* at Keokuk, Iowa.[2] No executive of the territory or state perhaps has equaled him in ability; and no documents from the executive office have been couched in better English than those he put forth.

Mr. Cuming's appointment as secretary of the territory was doubtless due to the potent influence of Iowa politicians added to that of Lewis Cass of his native state. His oath of office as secretary was administered August 3, 1854, by Peter V. Daniel, associate justice of the Supreme Court of the United States,

[1] Laws of Nebraska, 1855–57, p. 41.

[2] Personal recollections of J. Sterling Morton.

and he arrived in the territory on the 8th of the same month. To the task of evoking political order from the chaos he found he was quite equal—his enemies said more than equal. In few of our commonwealths has the framing of the state fallen to men of such large ability as were the framers of political Nebraska; and in point of ability Thomas B. Cuming should doubtless be named with the half dozen or less of the first class. In executive capacity and aggressive force, in the judgment of some of his ablest contemporaries, he excelled them all. Two of those contemporaries have expressed the opinion, independently of each other, that if Cuming had gone to the Civil war he would have become a distinguished general.[1] In audacity, and in his methods in general, he was Napoleonic. The difficult knot in which he found the question of temporarily locating the capital of the territory, which an ordinary man would have striven in perplexity to untie, he cut with an Alexandrian stroke, and his generalship in the campaign for formally and legally fixing the seat of government at Omaha was of the same order. By like methods he went about the task of organizing orderly government out of the chaotic material he found.



THOMAS B. CUMING
FIRST SECRETARY AND TWICE ACTING GOVERNOR OF NEBRASKA TERRITORY

Bribery and other forms of corruption in the settlement of the capital question were freely and vociferously charged, and are credited as a matter of course by the survivors of those strenuous times. The partisans of Bellevue pushed as her superior claims seniority and the intent of Governor Burt, the real executive. At the third session of the legislature a well-distributed committee of the council, composed of Jacob Safford[2] of Cass, Dodge, and Otoe counties, Samuel M. Kirkpatrick of Cass, and William Clancy of Washington, in their unanimous report in favor of relocating the capital, said:

"When the first governor arrived in this territory he found but one place entitled to the name of village, even, anywhere north of the Platte river. The town of Bellevue, the first town-site north of the Platte, was the place where it was known it was his intention to locate the capital. His death, however, left the matter in other hands, and the capital was located at its present site. Your committee are loth to say what influences are universally believed to have been brought to bear in inducing the present location. It is sufficient for them to say that the people of the territory are by no means satisfied with the location or with the means by which it was located, and still less by the means by which it has been kept there."[3]

Omaha was exactly midway between the north and south limits of population at that time, and nearer the center of the north and south limits of the prospective and now actual state than Bellevue. Distances east and west were of little consequence, because it was thought that for an indefinite time to come the country would not be settled more than forty miles westward from the river. Regard for the sentiment of the people and for superior eligibility as a site for a city and as a point for a railroad crossing certainly would

[1] Personal recollections of James M. Woolworth and Dr. George L. Miller.

[2] Safford was a resident of Otoe county.

[3] Council Journal, 1855–57, p. 25.

have made Bellevue the capital. But the population was so small and so shifting that this consideration was of little consequence. The new order of man-made cities was soon to be illustrated in Omaha herself, so that the priority argument for Bellevue had little weight.

It is a truth or abstraction of small practical consequence to say that Acting Governor Cuming should have convened the first legislature at Bellevue in accordance with the decision of Governor Burt, though there was at most none other than a moral obligation to do so. It would be more to the purpose to say that Acting Governor Cuming should have fairly apportioned the members of the first legislature, so that the South Platte, or anti-Omaha settlers would have had the majority to which they were entitled. In that case the legislature would perhaps have located the capital at Bellevue where it would have remained, not unlikely, to the present time, and where the Union Pacific bridge and terminals would have followed it. In other words, Bellevue would have taken the place of Omaha as the commercial capital of Nebraska, but more than that, for an indefinite time would have been the political capital also. But we say "perhaps," because the same potent Iowa influence, focused at Council Bluffs, which after years of effort had compassed territorial organization and made Nebraska a separate territory, might have prevailed in spite of any adverse initiative of the governor. To contemplate this might-have-been, to conjure in the mind the splendid dual capital which might have adorned the beautiful site—the most beautiful as well as the most eligible of the available sites—of the now deserted village is perhaps idle speculation, or at most a fascinating fancy.[1] But to relate the facts and interpret the motives which contributed to this important incident in the beginning of a commonwealth is legitimate history.

On Saturday, October 21, the governor issued the second proclamation which announced that an enumeration of the inhabitants of the territory would begin October 24, the purpose of the notice being to enable persons who were temporarily absent from the territory to return in time for the census. The third proclamation, dated October 26, gave instructions as to the duties of the six deputy marshals who were to take the census in the six districts into which the territory had been divided for that purpose—the first three lying north and the last three south of the Platte river.[2] According to the instructions the work was to be completed by the 20th of the following November and returns to be made to Mr. Lindley, postmaster, Omaha City,[3] or to the governor, at the mission house, Bellevue. The governor appointed as enumerators Joseph L. Sharp, first district; Charles B. Smith, second district; Michael Murphy, third district; Eli R. Doyle and F. W. Symmes,[4] fourth district; Munson H. Clark, fifth district; Charles W. Pierce, sixth district.

The fourth proclamation, made November 18, 1854, appointed Thursday, November 30, as a day of thanksgiving. The fifth, dated November 23, 1854, promulgated rules for the elections. The sixth executive document, pertaining to territorial organization, issued November 23, 1854, proclaimed that elections should be held December 12, 1854, to choose

[1] Though Governor Dodge designated Belmont as the meeting place of the first legislalure of the territory of Wisconsin, that body chose Madison for the permanent capital.

[2] See boundaries of these districts in Appendix.

[3] Alfred D. Jones was the first postmaster of Omaha. He was appointed May 5, 1854—before the organic act was passed. David Lindley, the successor of Jones, was appointed January 12, 1855; his successor, Lawrence H. Frank, was appointed January 30, 1855; and his successor, William W. Wyman, was appointed June 25, 1855. A letter to the editor from the fourth assistant postmaster general, dated October 28, 1903, gives the following specific information: "I have to state that the former statement sent you from this office has been verified and found to be correct. The records show that Alfred D. Jones was the first appointed postmaster of Omaha, Nebraska (May 5, 1854), and that his commission as postmaster was sent him from this office August 15, 1854. The first postmaster of Bellevue, Nebraska, was Daniel E. Reed, appointed January 15, 1855. 'Bellevue' did not succeed another office at same place under a different name. 'Bellevue,' according to our records, was the original name of the office."

[4] F. W. Symmes was a native of South Carolina, and came with Governor Burt in October, 1854, to Nebraska territory. He left for his home in South Carolina about December 6, 1854, and there is no record of his having again visited Nebraska.

a delegate to Congress and members of a legislature which was to meet January 8, 1855. The seventh proclamation, issued December 15, 1854, authorized a special election at Nebraska City on the 21st of that month to fill the vacancy in the council left by a tie vote cast at the regular election. On the 20th day of December the last two proclamations pertaining to territorial organization were issued, one convening the legislature at Omaha, and on the 16th instead of the 8th of January, 1855, the other announcing the organization of the judiciary system, and designating judges of probate, justices of the peace, sheriffs, constables and clerks for the several counties, and in the same proclamation the three judges were placed. Chief Justice Ferguson was assigned to the first district, comprising Douglas and Dodge counties; Justice Harden to the second, embracing all of the counties south of the Platte river; and Justice Bradley to the third district, comprising the counties of Burt and Washington. Judge Ferguson arrived in the territory October 11, 1854, and the next day took the oath of office before Secretary Cuming "at the town of Bellevue." Judge Bradley arrived October 14, and took the oath before Judge Ferguson at Omaha City, October 28; Judge Harden arrived December 1, and took the oath before Judge Ferguson at Bellevue, December 4. Attorney General Estabrook arrived at Omaha City, January 22, 1855, and took the oath before Secretary Cuming. Marshal Izard arrived October 20, and took the oath before Judge Ferguson, at Bellevue, October 24.[1] The *Palladium* of December 6 gives this account of Judge Harden:

JUDGE EDWARD R. HARDEN[4]
IN A COSTUME PRESENTED TO HIM BY AN OMAHA CHIEF
From a daguerreotype taken in 1855

"Hon. Edward R. Harden, one of the associate judges of Nebraska, accompanied by the clerk of his court, M. W. Riden,[2] and J. D. White, Esq., of Georgia, arrived at Belleview, December 4. The judge is a middle-aged man, spare in person and to appearance quite feeble in constitution—his manners, dress and equipage all bear the stamp of democratic simplicity and economy. He is courteous in manner, agreeable and affable in conversation." . . .

On the 23d of December the governor called for two volunteer regiments for defense against the Indians.[3]

The date marks of these state papers show that the executive office was wherever the

[1] Records Nebraska Territory, pp. 2, 3.

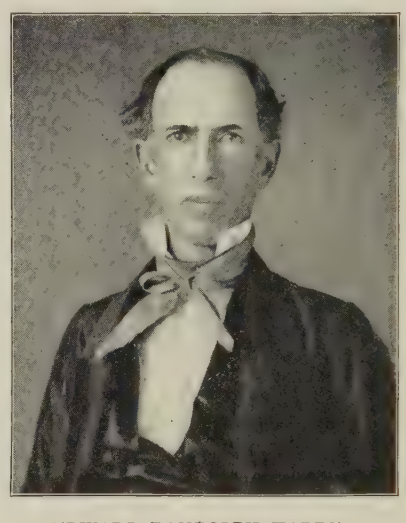
[2] Mastin W. Riden, member of the lower house in the second session of the territorial assembly, was one of the earliest settlers of Nebraska City. There is no record of his early life and it is not known where he lived previous to coming to Nebraska, but it is believed that he came from Georgia with Judge Edward R. Harden. He was clerk of the United States court for the southern district of Nebraska, the first term of which was held at Nebraska City by Judge Harden, in March, 1855, and continued in that office under Judge Samuel W. Black. In May, 1855, he was elected recorder of Nebraska City, and was reelected the following year. He was a candidate for chief clerk of the house at the first session of the territorial assembly, receiving seven votes, but was defeated by Joseph W. Paddock. Mr. Riden was elected from Otoe county to the lower house of the second session of the territorial assembly. No further record of his career is obtainable.

These ten proclamations appear in Appendix.

[4] Edward Randolph Harden, associate justice of the first territorial supreme court of Nebraska, was born in Savannah, Georgia, in 1815. He was a son of General Edward Harden, an able lawyer, who served in the war of 1812, and Mary Ann E. Randolph, of Charles county, Georgia, and a grandson of General Edward Harden, a soldier of the American Revolution. Judge Harden was educated in his native state, graduating at Athens in 1833. In July, 1854, he was appointed by President Pierce associate justice of the territory of Nebraska, and in May, 1860, accepted a

governor happened to be when he desired to perform an executive act; and they faintly suggest that the aspirations and hopes of each hamlet to become the capital were delicately nurtured, or at least not inconsiderately or prematurely blighted.

Giving a strict construction to the provision of the organic act that nothing therein contained "shall be construed to impair the rights of person or property now pertaining to the Indians in said territory so long as such rights shall remain unextinguished by treaty between the United States and such Indians, or to include any territory, which by treaty with any Indian tribe, is not without the consent of said tribe, to be included within the territorial limits or jurisdiction of any state or territory," he had aimed to include in these districts only such territory as had been actually relinquished by the Indians. But doubt as to the scope of this restriction having arisen, on the 1st of November Governor Cuming addressed a letter to the commissioner of Indian affairs asking whether he had done right to restrict election privileges to those actually within the Otoe and Omaha cessions and to exclude "the traders and others northward of the Blackbird Hills, who by the intercourse act of 1834 have been given special privileges, or those in any other part of the territory who are living on Indian lands not yet ceded, but to restrict all election control within the Omaha and Otoe cessions, reaching north to the Aoway river, south to the little Nemaha river, and west to the lands of the Pawnees."



EDWARD RANDOLPH HARDEN
From a daguerreotype taken in 1858

"Some of the territorial officers and many of the citizens," he said, "contend that election precincts should be established over all the territory wherever white men (traders and others) reside—comprising the Sioux, Blackfeet, Crows, and other tribes. Others are of the opinion that such election privileges should only be enjoyed by the settlers within the Omaha and Otoe cessions where it is now understood that the whites have the authority of the government to make a permanent residence." The commissioner was asked to "state also whether there is any neutral or United States ground south of the Platte river, south and west of the Otoe and Missouri cession, where an election precinct may be made."[1]

The commissioner, Mr. George W. Manypenny, answered that, "Where there has been no cession made by an Indian tribe, as has

similar appointment from President Buchanan for the territory of Utah. Judge Harden's eldest son, William H. Harden, of Quitman, Georgia, says in a recent letter: "My father served in Nebraska, I think, about four years, and on account of my mother's objections to going to (as she termed it) a wild country, he resigned, and was soon afterwards commissioned as judge of Utah, but the war broke out, and he and myself both joined the army and served four years. . . . . While in Nebraska my father boarded at a mission house located at Omaha (Bellevue) with a family by the name of Morton." Judge Harden was a member of the famous secession convention at Charleston, South Carolina, and took an active part in its proceedings. Upon the outbreak of the Civil war he enlisted in the Confederate army, raising a company known as the Dalton Guards which he commanded until he was made adjutant of Smith's Legion. Later he served as an aid on General Walker's staff. At the close of the war he resumed the practice of law in Cuthbert, Georgia, where he remained until 1867, then removing to Quitman, Brooks county. In 1872 he was commissioned county judge and held that position continuously until his death. He was a member of the Georgia state legislature two terms, representing Walker county. Judge Harden was first married in 1837 to Sarah Eugenia Brown, of Athens, and seven children were born to them, William H., Frank R., Edward, Lumpkin, Anna, Mary Greenhill, and Lewis. Of these three are still living—William H., Anna, and Lewis, while Mrs. Harden died in 1867. Several years later Judge Harden was married to Miss Mary C. Tyler, of Columbus, to whom were born two children, Henry and Reginald, who now (1904) reside in Quitman. William H. Harden is tax receiver of Brooks county. The second Mrs. Harden died July 25, 1900. Judge Harden was an active member of the Baptist church during his life; he was president of Andrew Female college of Cuthbert, and in every way was a broad-minded man, active in the interests of his state. He died at Quitman, June 12, 1884.

[1] Records Nebraska Territory, p. 32.

not been done by the Sioux, the Blackfeet, the Crows, the Poncas, and some others, any exercise of authority for territorial purposes by the government would be in my opinion in contravention of the proviso of the act organizing the territory."[1]

To Governor Cuming's second question the commissioner replied:

"The country west of the half-breeds and south of the Platte river west of the Otoe and Missouri cession and bounded on the north by the Platte river as far back as 101 degrees west longitude, and from that point in a southwesterly direction to the line dividing Kansas and Nebraska near the 103d degree is of such character."[2]

In accordance with the commissioner's opinion the governor sent Deputy Marshal Jesse Lowe to spy out this "United States ground" to the southwest. The only record we have of the object and result of this investigation is contained in Marshal Lowe's report of December 10, 1854:

*"To Acting Governor T. B. Cuming:*

"Sir: Having been sent by you to establish what is called Jones county, bounded as follows, commencing 60 miles west from the Missouri river at the north corner of Richardson county; thence west along the south bank of the Platte river to the 101st degree of west longitude; thence southwesterly to the boundary between Kansas and Nebraska at the 103d degree of west longitude; thence along said boundary to the southwest corner of Richardson county; and thence to the place of beginning, and instructed to apportion to said county one representative or more as the number of inhabitants should require, (I) respectfully report that by ascertaining from satisfactory information that there are no voters in said county unless a few living in the neighborhood of Belews precinct in Richardson county, and who would naturally vote at said precinct, and believing furthermore from satisfactory information, that Richardson county has been given more than her just representation, I am of opinion that no apportionment should be made for Jones county.

"Very respectfully,
"MARK W. IZARD, marshal,
"By JESSE LOWE, deputy."

Governor Cuming sent the following curious announcement:

"Omaha City, Nov. 30, 1854.

*"To Editors Newspapers:*

"Dear Sir: The deputy territorial marshal has been sent below the 'Platte' in the neighborhood of 'the Blues' to establish a new county.

"The notices of election in the census district above the Platte, (Belleview and Omaha) will not be circulated until he can be heard from as it will be impossible till then to correctly fix the apportionment, which is limited by law to a certain number for the whole territory.

"It will be well to make this announcement public. The other counties have received their apportionment and this is the only district in the territory where this course will be pursued, it being the most compact and least subject to injury by delay.

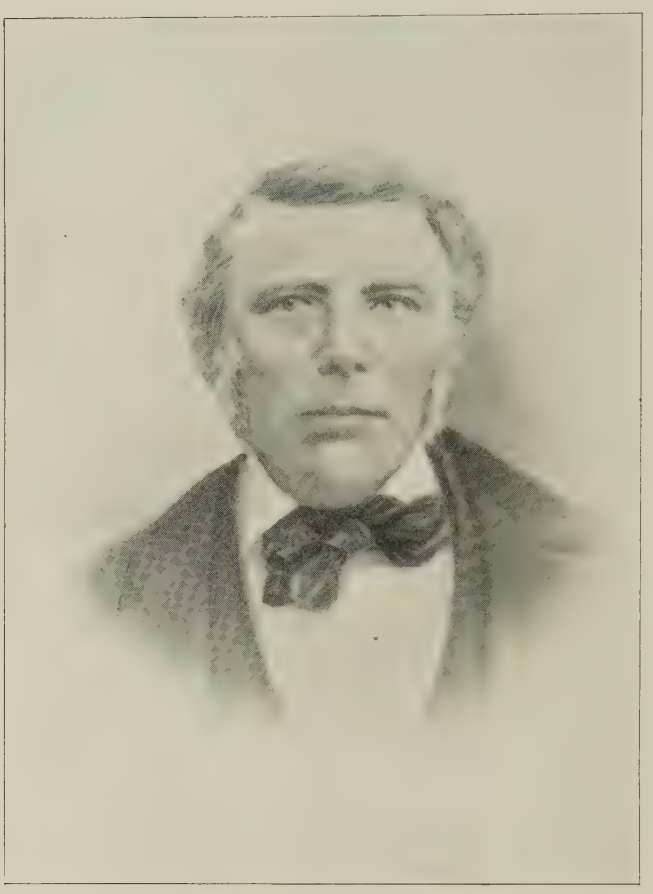
"Respectfully yours,
"T. B. CUMING,
"Acting Governor of Nebraska."

The inference from this communication is that the governor intended to cut the Douglas county representation cloth to suit the whole garment after it should be completed by the attachment of that part on "the Blues," just as he evidently entirely disregarded Mr. Sharp's comprehensive count of Richardson county, quite in accordance with the suggestion or warning of Deputy Marshal Lowe.

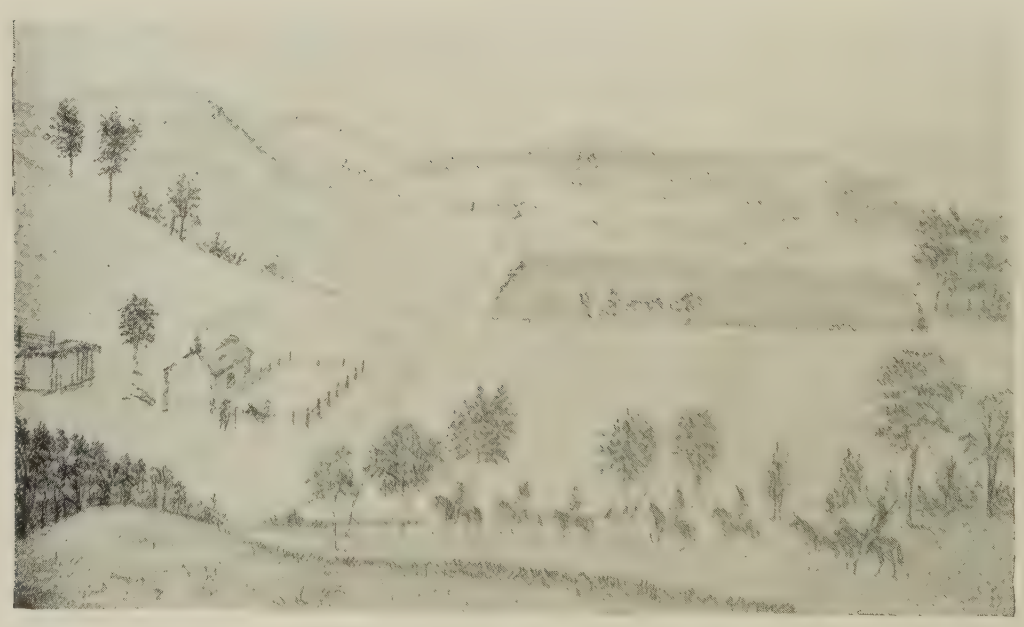
It was at once freely and forcibly charged by the enemies of Governor Cuming, who appear to have been nearly identical with those who opposed the location of the capital at Omaha, that this first census was doctored, with fraudulent intent, in the interest of Omaha. Though at the beginning of the session the governor, in compliance with a resolution of the house, moved by Mr. Decker of Nebraska City, had furnished copies of the census returns to that body, they are not now in existence. That there were gross falsifications and other irregularities in this census there is no doubt. These legislative districts were gerrymandered by Governor Cuming in the interest of Omaha, and there is only one

[1] Records Nebraska Territory, p. 31.

[2] Ibid. Like most attempted descriptions of Nebraska territory at that time, this one by the commissioner was inaccurate, for the Kansas in 1825 and the Pawnees in 1833 had ceded to the United States all the territory west of the Missouri and Otoe cessions south of the Platte river, and westward approximately to the 101st meridian.—[Ed.]



SYLVANUS DODGE



Site of the claims of Sylvanus Dodge and his sons, Grenville M. and Nathan P., on the east bank of the Elkhorn river, 25 miles northwest of Omaha, 1855

From a drawing by Simon in the Frontier Sketch Book

motive that may be assigned therefor. The interests of a coterie of enterprising Iowa speculators who had gathered in Council Bluffs, and some of whom were camping in expectation on the site of Omaha, required that the capital should be located there, and they set about to reach their end by much the same means and methods as always have been employed for like purposes. They won, as was inevitable, on account of the great superiority of their resources. If Governor Burt, who, being a southern gentleman of the old school, would have been proof against these means and averse to these methods, had lived, his initiative might have drawn this Iowa influence to Bellevue. As governors of new territories go, Burt was the exception and Cuming the rule; more of them act as Cuming acted than as Burt would have acted—though few would act in like circumstances with a vigor so naturally effective and so little impaired by nicety of moral scruple or conventional restraints.

The story of the proceedings in the capital contest rests mainly upon personal recollection and tradition. It is doubtless true that Governor Cuming demanded of "Father" Hamilton one hundred acres of the section of mission land at Bellevue as the price for designating that place as the capital. It would doubtless have been difficult to alienate this land at all, since the board of missions did not receive a patent for it until 1858. "Father" Hamilton seemed to be filled more with the fear of the Lord than of losing the capital, and the reader of the *Palladium* gains an impression that its editor, Mr. Reed,[1] was too much possessed by a sense of the righteousness of Bellevue's cause to be willing or able to meet her opponents on their own morally less defensible but practically far stronger grounds. The moral suasion of these good people of Bellevue was not backed up with material arguments sufficient to meet those of the Council Bluffs & Nebraska Ferry company, which not only represented but constituted Omaha's interests.[2]

Under authority of the organic law Governor Cuming had divided the inhabited portion of the territory into eight counties, and

[1] Daniel F. Reed was the first postmaster of Bellevue, receiving the appointment January 15, 1855. Mr. and Mrs. Reed had come to Bellevue in the fall of 1847 as teachers in the Presbyterian mission school. Together with Thomas Morton he published the *Palladium*, which was the first newspaper not only of Bellevue but of Nebraska territory. It was first issued in Bellevue about the middle of November, 1854, the first fifteen numbers having been printed at St. Mary on the Iowa side of the river. The full name of the paper was the *Nebraska Palladium* and *Platte Valley Advocate*. It was discontinued on April 11, 1855.

[2] The following account, by the Rev. William Hamilton, who was in charge of the Indian mission at Bellevue, of his negotiations with Acting Governor Cuming, is entitled to credibility both for accuracy and truthfulness. It is the sole direct testimony extant bearing upon the points in question:

" . . . In the early settlement of Nebraska there was much excitement and some bloodshed, but the greatest excitement was about the location of the capital, as on that depended the future wealth of many, as they supposed. Had Governor Burt lived, it was his intention to examine the country, and then place the capital where it would be the most beneficial to the territory, not to the individual or himself, though he was a poor man and in debt. I suppose I was better acquainted with him than any others, except those who came with him to the territory. He was remarkable for his kindness of heart and his sterling integrity, as those who came with him testified, and as I could bear witness, too, as far as I knew him. His kindness led him to listen to the proffered advice of those who came to consult about their own interest, when he should have enjoyed perfect quietness. His state of health required this, and I was anxious to secure it for him, but the people would not let him rest. I might almost say he was worried to death. I feared the consequences from the first, but caution was of no avail to those who hoped to get rich by his deciding according to their wishes. The end came, and it does not seem a harsh judgment to say that by some it did not seem to be regretted. After his death, and before his remains had left the mission, plans were made, and arrangements made to carry out those plans, to place the capital at Bellevue. These plans were talked over in the room where the corpse was lying, while I was opening the zinc coffin to fill it with alcohol and soldering it up again. The talk was intended to be blind, but I understood it well enough. It was between the Acting Governor Cuming and a man called Judge Green, who had before asked me the price of the mission reserve, four quarter-sections. The plan was to purchase it of the Board of Foreign Missions and then locate the capital there. Three, or perhaps four, were interested in this plan, the acting governor, the aforesaid judge, and a Mr. Gilmore. Judge Green was to ostensibly accompany the corpse to South Carolina, but to go to New York when the diverging point was reached and make the purchase. Judge Green had told me that he would give $25,000 in gold for it, saying he did not wish me to think he was rich, but he could command the money in gold. I had asked $50,000 for the reserve. He went to New York and agreed with the Hon. Walter Lowrie to give the $50,000, but asked sixty days to consider. He was to telegraph at the end of that time. He did not telegraph as agreed, and Mr. Gilmore who was then living in Omaha told me it was at his advice that he did not telegraph, saying it was the pressure, the pressure meaning they could not borrow the money. The next move was to get bids, not from Bellevue alone, but

after the census had been taken he apportioned the several counties into legislative districts.

LEGISLATIVE APPORTIONMENT

| COUNTIES | MEMBERS OF COUNCIL | MEMBERS OF HOUSE |
|---|---|---|
| Burt | 1 | 2 |
| Cass | 1 | 3 |
| Dodge | 1 | 2 |
| Douglas | 4 | 8 |
| Forney | 1 | 2 |
| Pierce | 3 | 5 |
| Richardson | 1 | 2 |
| Washington | 1 | 2 |

Friends of Bellevue read in this apportionment the doom of their hopes for the capital, and it was the first overt act of the bitter war between the North Platte and South Platte sections which lasted until the chief cause of the quarrel was removed by the removal of the capital to Lincoln in 1867. It is seen that twenty-one members were awarded to the counties north of the Platte and eighteen to those south of that river. It was strongly contended by the people south of the Platte that their section was the most populous, and the governor's own census gave it 1,818 inhabitants as against 914 in the northern section. The census showed 516 voters—that is, males over twenty-one years of age—south, and 413 north of the Platte. But during the final debate in the house on the 25th of January, in which, for some reason, Governor Cuming was allowed to speak, he said that there had been some misrepresentation regarding his acts which he wished to correct; that he had found, after careful examination of all the census returns, that the greatest population was north of the Platte, and he had given that section representation accordingly. He said the poll books and census returns were free for investigation by members. But the abstract which he certifies flatly contradicts him. In the same debate Mr. Poppleton also alleged that the census returns gave the North Platte the greater population.[1]

Deductions from the figures of the first census and the abstract of votes of the first election are contradictory, and according to the vote the governor's apportionment as affecting the two sections was not grossly inequitable, as will be seen from the following tables:

ABSTRACT OF CENSUS OF NEBRASKA TERRITORY, NOVEMBER 20, 1854

| District No. | COUNTY | White males of 21 and upwards | White males of 16 and upwards | White males under 16 | Females of 16 and upwards | Females under 16 | Slaves | Free colored males | Free colored females | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Richardson | 236 | 26 | 181 | 190 | 214 | 4 | ... | ... | 851 |
| 2 | Pierce & Forney | 185 | 24 | 138 | 127 | 131 | 9 | ... | ... | 614 |
| 3 | Cass | 95 | 16 | 101 | 44 | 97 | ... | ... | ... | 353 |
| 4 | Douglas | 250 | 29 | 120 | 131 | 115 | ... | ... | ... | 645 |
| 5 | Dodge | 74 | 1 | 8 | 13 | 10 | ... | ... | ... | 106 |
| 6 | Washington and Burt | 89 | 7 | 12 | 28 | 27 | ... | ... | ... | 163 |
| | Totals | 929 | 103 | 560 | 533 | 594 | 13 | ... | ... | 27 2 |

The following table gives the actual apportionment of representation to the several counties as made by Governor Cuming—the apportionment as it should have been, based upon population, and as it should have been, based upon the votes actually cast. The counties which are grouped together correspond approximately to the census districts in which they were situated. The vote taken is that cast for candidates for delegate to Congress:

from the different towns that wanted the capital. The Bellevue Land Claim Association promised liberally, but none had as yet titles to what they promised, only claims. Judge Ferguson then came to me and said everything was now arranged to secure the capital at Bellevue except one thing. The L. C. A. had promised liberally, but Acting Governor Cuming asked one hundred acres of the mission reserve, and he assured me that if it was given, the capital would be placed at Bellevue. I replied without hesitation, not one foot to the man, but was willing to recommend the giving of it to the county or territory. This, I suppose, decided the matter. Some years after when conversing with Judge Briggs about the amount Omaha was taxed for the capital and R. R., I said all of Bellevue could have been purchased for a trifle of what they had paid out to secure these things for Omaha, and then they would have been independent. He admitted the fact, and added, 'We are not done yet.' I have never regretted my refusal, though some of the citizens blamed me, but our board never blamed me. . . . "—(*Repts. Neb. State Hist. Soc.*, vol. 1, p. 67.)

[1] Nebraska *Palladium*, February 7, 1855.

ANALYSIS OF APPORTIONMENT

| COUNTY | Population | Votes cast | COUNCIL | | | HOUSE | | | Ratio of actual apportionment to vote. | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | As apportioned | On basis of vote | On basis of population | As apportioned | On basis of vote | On basis of population | Council | House |
| Richardson | 851 | 38 | 1 | .. | 4 | 2 | 1 | 8 | 1 to 38 | 1 to 19 |
| Pierce } Forney } | 614 | 188 | 3 | 3 | 3 | 5 | 6 | 6 | 1 to 63 | 1 to 37 |
| | | 42 | 1 | 1 | | 2 | 1 | | 1 to 42 | 1 to 21 |
| Cass | 353 | 130 | 1 | 2 | 2 | 3 | 4 | 3 | 1 to 130 | 1 to 65 |
| Douglas | 645 | 297 | 4 | 5 | 3 | 8 | 10 | 6 | 1 to 74 | 1 to 37 |
| Dodge | 106 | 14 | 1 | .. | .... | 2 | 1 | 1 | 1 to 14 | 1 to 7 |
| Washington } Burt } | 163 | 34 | 1 | 1 | .... | 2 | 1 | 1 | 1 to 34 | 1 to 17 |
| | | 57 | 1 | 1 | 1 | 2 | 2 | 1 | 1 to 57 | 1 to 28 |
| Totals North Platte | 911 | 402 | 7 | 7 | 4 | 14 | 14 | 9 | 1 to 57 | 1 to 28 |
| Totals South Platte | 1818 | 398 | 6 | 6 | 9 | 12 | 12 | 17 | 1 to 66 | 1 to 36 |

By the census of 1855, taken about ten months after the first one, the population was found to be 4,494, with 1,549 north and 2,945 south of the Platte river. It is probable that in the meantime the relative increase of the North Platte section had been greater than that of the South Platte, on account of the drawing influence of the newly made capital; so that the contention of Governor Cuming that the North Platte section had a greater population than the South Platte not only involved the utter repudiation of his own census, but seems to be inconsistent with the weight of evidence upon that point. There is no doubt that the vote of Burt county was largely "colonized," since it is known that there was no bona fide population there. And the same machinery that so successfully imported voters into Burt was, not unlikely, quite as effective in the case of Washington and Douglas counties. Governor Cuming disregarded the palpable overcount in Richardson county, and apparently the basis of his apportionment there was not far from correct, since the county showed a population of 299 by the regular census of 1855. If he had eliminated the population of Richardson by the first census—851—the South Platte would still have been in the lead, according to his census, by about 100.

One wonders on looking at the map of those first counties why the line of Washington was run so close as to graze Omaha, the capital of Douglas county. A scalp-lifting critic of the governor's course explains his action in the following specifications:

" . . . You established Burt county with not half a dozen actual residents in it giving it a representation of one to the upper and two to the lower house. The vote we acknowledge was swelled to perhaps 50; how deserted Bluff City on the day of election, can't [can] tell. Then comes Dodge with the same representation and only 14 votes.—You feared the independent citizens of Florence and to overpower them, you brought the southern line of Washington to within a mile of Omaha, that importation might be easy. In Cass, that you could not hope to control, you gave only one councilman and three representatives, yet the vote in that district was 128.—In Pierce, with a vote of 188, you gave three councilmen and five representatives. (You thought some of your *plants* would grow there, Governor.) Two little pets of yours, Forney and Richardson, are finely endowed. The first with 42 votes sends one to the upper house and two to the lower house—the latter with 24 votes is equally favored."[1]

The *Bugle*[2] of Council Bluffs, mouth-piece of the Iowa exploiters of Omaha, in an article scolding the *Palladium* for its chronic squealing, offers the following justification of Cuming's course:

"We have been a quiet looker-on whilst the struggle for the capital has been going on between four land companies, each sure that their special point was designed by nature for the great western mart, and the capital of a new and important state. Foremost upon this list was Belleview, the proprietors of which loudly claimed the right by precedence, being the earliest settled place, etc. Nebraska City claimed it from being handsomely located, and Winter Quarters by its most central position, whilst Omaha claimed the capital by right of her early industry in making by far the greatest amount of improvements, from being the most populous and convenient place, and as offering the most conveniences for the coming session of the legislature. Although as yet there has been no improvements or buildings going on at Belleview the town owners have constantly claimed all the advantages, merit and consideration, leaving nothing for Omaha or any other place. Before Mr.

[1] *Palladium*, December 27, 1854.

[2] *Western Bugle*, December 26, 1854.

Cuming arrived here we knew that he was prepossessed with a conviction that Omaha must be the place for the present seat of government, and at the death of the lamented Governor Burt he had not changed his mind. Consequently he could not have been influenced by unworthy motives in selecting Omaha as the present capital. Finding congenial and equally disappointed parties south of the Platte they have leagued to slander, villify and misrepresent Mr. Cuming abroad, and are making strenuous exertions for his removal from office, by petitions and private letters.

But the *Palladium*[1] had pointed out that:

"The doors of the Mission are open to receive the legislature, if it is called here, and we hazard our reputation upon the assertion that equal accommodations can not be offered elsewhere in Nebraska before the 8th day of January, 1855. This house was built under difficulties such as had disappeared long before Omaha was thought of; most of the lumber having been sawed by no other aid than hand labor.[2] Now according to the principles upon which our anxious neighbor thinks ought to control the location of the capitol, it would be located here."

Governor Cuming did not issue his proclamation convening the legislature at Omaha until December 20, but the Bellevue contingent had anticipated his recreancy to their cause some time before, and a gathering of citizens there on the 9th of that month to further the interests of Bellevue in the capital contest, which Cuming attended, was turned into an indignation meeting. At this meeting Governor Cuming is quoted as saying that he had made up his mind two weeks previously to locate the capital at Omaha, but owing to attempts improperly to influence him in favor of that place he had changed his mind and was then in doubt. But if Bellevue would nominate a candidate for the council and two for the house, pledged to sustain his administration and not to attempt to remove the capital from the place of his selection, he would give Bellevue a district by itself, otherwise that nervous aspirant would be included in the Omaha district and be swallowed up by it. The Omaha *Arrow*, published at Council Bluffs by residents of that place, and which was also the actual residence of Governor Cuming, announces, November 3, that, "the work on the State House here goes briskly on. It will be ready for the accommodation of the body for which it was intended before the middle of next month;" and on the 10th of November that, "the contractor of the State House assures us the building will be ready by the first of December." Even if Governor Cuming himself, at Bellevue, had lost faith in his intention to locate the capital at Omaha, his Council Bluffs neighbors had not, and they kept pushing their preparation for it to perfection.

These Bellevue people either considered that they had no chance, and could afford to play the rôle of indignant virtue, or they were very poor generals; for by responding to the governor's finesse they might have had three militant members directly representing them in the contest in the legislature. But they threw dissimulation to the winds, and Mr. A. W. Hollister[3] insisted that he had seen the original of a compromising letter, apparently written by Cuming, and which in some unexplained way had come into possession of his enemies, and he was certain of its authenticity.[4]

At this juncture Governor Cuming, in a fierce passion, left the meeting and thereby placed upon Bellevue the perpetual seal of "the deserted village." Mr. Hollister then proceeded to aver that Major Hepner,[5] Indian agent, would swear to the genuineness of the signature to the letter, and to spurn with con-

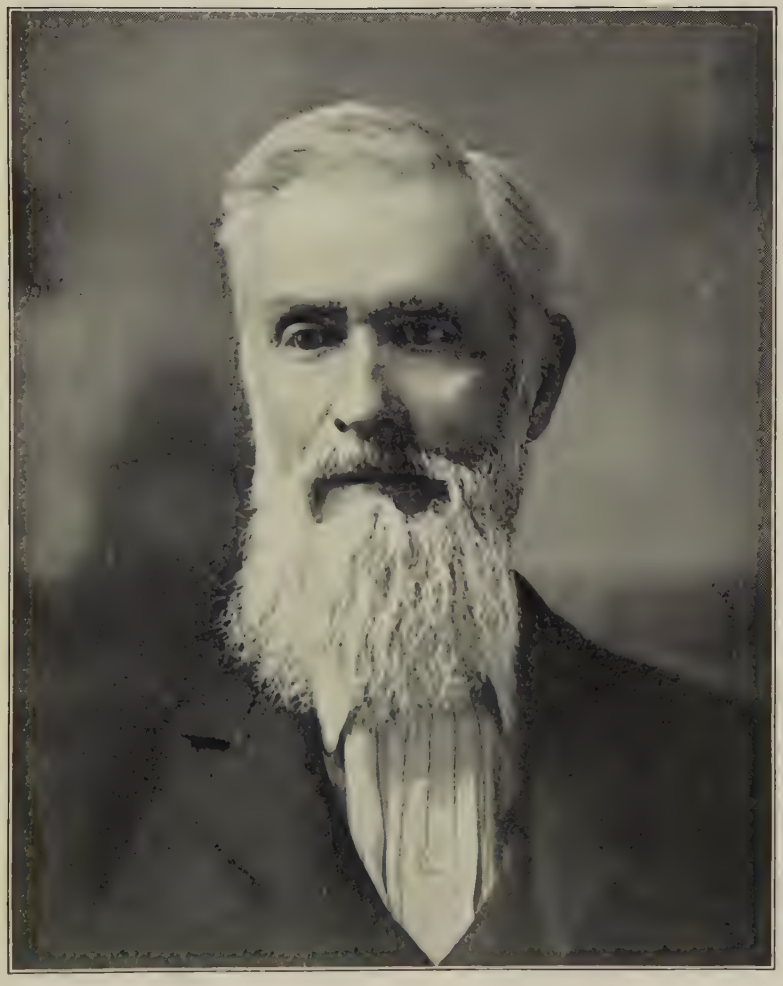
[1] December 6, 1854.

[2] See biographical sketch of Henry T. Clarke.

[3] Abner W. Hollister was a candidate for delegate to Congress in 1854, but withdrew from the contest. He was voted for as a member of the first territorial assembly of Nebraska from Bellevue precinct, but was not seated. In 1854 he was a member of the Bellevue Town Site Company.

[4] This letter was published in the *Palladium* of December 13, 1854.

[5] Major George Hepner, Indian agent, Bellevue, Nebraska, was appointed agent for the Omahas in 1854, and made the first payment of annuities to that nation. He was an attorney at St. Mary, Iowa, previous to his appointment as Indian agent and also had a nursery at that place. He was a member of the Bellevue Town Company in 1854.



Fred Renard

tempt the propitiatory offering of the governor. Stephen Decatur[1] and Silas A. Strickland followed in a like intense and grandiloquent strain of indignant patriotism and offended virtue, in which rather more than due rhetorical justice was done to "the tyrant Charles the First" and to "the great charter of our own liberties."

Soon followed mass meetings at many places in the South Platte district for the purpose of denouncing Governor Cuming. The meeting for Pierce county was held December 15, at Nebraska City, and it passed resolutions charging Cuming with "seeking only his own aggrandizement, with neglecting to reside within the limits of the territory but keeping the actual seat of government in a foreign city," and that he "is no longer worthy or capable of discharging the duties that have accidentally devolved upon him, and his longer continuance in office would be an insult to the people of the territory." The resolutions invited the citizens of the territory to meet in delegate convention at Nebraska City, December 30, "to select some suitable person to recommend to the president of the United States for appointment to the governorship of this territory." The climax of the proceedings of the convention was a resolution commending the people of Bellevue "for their Christian forbearance toward Governor Cuming in not offering him personal violence for as gross an insult by him as could be offered by a tyrant to a free people, in refusing to give them a separate district and allowing them to elect members of the legislature, unless they would pledge themselves to elect such men as he should dictate."

A meeting for a like purpose was held at Brownville in Forney county, December 12, and another at Bellevue, December 28.[2] In this meeting the two Mortons,[3] destined to long careers in the territory and state, took important parts. Thomas Morton was chosen chairman, and J. Sterling Morton, one of the three delegates to the territorial convention. Here the latter performed his first public act in the commonwealth which was to be distinguished as the scene of his public activity for near half a century, and where his personality was to be impressed on the institutions and the life of the people. Mr. Morton was as prompt in taking this active part in public affairs as he was afterwards cease-

[1] Stephen Decatur, pioneer of Nebraska in the early '50's, was born in Sussex county, New Jersey. His full name was Stephen Decatur Bross, and he was a brother of the well-known Lieutenant Governor Bross of Illinois, proprietor of the old Chicago *Tribune*, but for some reason he dropped his surname upon arrival in the West, where he was always known as "Commodore Decatur." His early life was spent in his native state where he taught school, but in the '40's he left home, presumably on a trip to New York, and never returned. Another brother, at one time came to Nebraska and had a conference with Stephen near the town of Decatur, where he proved him to be his brother, and was acknowledged as such by the Commodore, who absolutely refused to explain anything. While on the frontier he enlisted in General Doniphan's regiment and served in the Mexican war. Later he settled on the banks of the Missouri, and in 1852, together with Major Barrows, conceived the idea of locating a town on the present site of Bellevue, and February 9, 1854, a company was organized composed of Peter A. Sarpy, Stephen Decatur, and others, known as the Old Town Compay. In July of that year the Indian title expired by treaty, and the town and surrounding country was opened to settlers. After the site of Omaha was established he operated a ferry for several years between Council Bluffs and Omaha. In 1854 he was voted for as a member of the first territorial asssem ly of Nebraska from Bellevue precinct but was not seated. In 1855 Colonel Sarpy had a trading post at what is now known as Decatur, and "Commodore" Decatur was a clerk in charge. The town of Decatur was laid out in the fall of 1855 by the Decatur Town and Ferry Company, composed of Stephen Decatur, Peter A. Sarpy, Benjamin R. Folsom and others, but it was not until May, 1862, that letters patent were granted by the United States. In 1859, with other pioneers, he went from Nebraska to the gold fields of Colorado. During the Civil war he enlisted in the 3d Colorado regiment and served under Colonel Chivington and took part in the fight at Sand creek. After the war he resided for some time in Georgetown, Colorado, and published the Georgetown *Miner*. Later he prospected in and around Clear Creek county and in Summit county, Colorado, which district he represented in 1866–68 in the territorial legislature. He was commissioner from Colorado to the Centennial Exposition. Subsequently he returned to Colorado and died June 3, 1888, at Rosita, a small camp in the Sangree de Cristo mountains, at about eighty years of age.

Mr. Decatur had a wife and two daughters in New Jersey, but was again married to a Mrs. Thompson of Council Bluffs, Iowa, who is still living (1904) at Los Angeles, California. A daughter of Mrs. Decatur by her former husband became the wife of Capt. S. T. Leaming of Decatur. One son, J. G. Decatur, is with the Western Union Telegraph Company at San Francisco.

[2] These meetings are reported in the *Palladium*, December 27 and January 3.

[3] The popular notion that these men were brothers is erroneous; there was no blood relation between them.

less in pursuing it. Only three weeks before this meeting the *Palladium* contained the following modest but, in the light of subsequent events, important notice:

"J. S. MORTON.

"This gentleman, formerly associate editor of the Detroit *Free Press,* and lady arrived at Belleview on the 30th ult., where they intend to settle. Mr. Morton is a man of ability and an able writer, and having had the good sense to select one of the most beautiful locations for his residence as well as one of the most strongly fortified points—in a political view—he will no doubt be an important acquisition to the territory and to this community."

Nevertheless, within only two months, this most strongly fortified political point yielded to the siege of the Omaha forces, and was so completely razed that Mr. Morton was prompt to evacuate it and take a new position at Nebraska City, which he occupied with distinguished courage, enterprise, and honor for forty-seven years.

By a previous notice in the *Palladium* it appears that Mr. Morton himself had visited Bellevue on the 13th of November. The old settler is only able now to point out the approximate site of the log cabin which was the home of the young couple, married somewhat less than a year, when they left with the ebb-tide of Bellevue's fortunes for the more promising location.

J. STERLING MORTON
AT 22 YEARS OF AGE

From an unpublished copy of a daguerreotype taken in 1854, and now in the possession of Miss Emma Morton. This was taken on Mr. Morton's wedding day and just before he started for Nebraska to settle.

In the delegate convention at Nebraska City, held December 30, five counties—Cass, Douglas, Forney, Pierce, and Richardson—were represented by nineteen delegates; and of course the Douglas county delegates, Stephen Decatur, J. Sterling Morton, and Geo. W. Hollister,[1] were all from Bellevue. J. H. Decker of Pierce county (speaker of the house in the legislature which retreated from Omaha to Florence in a subsequent capital controversy), was chairman, and Geo. W. Hollister of Bellevue and A. M. Rose of Pierce county were secretaries. Mr. Morton was chairman of the committee on resolutions, and this first official function in territorial affairs in Nebraska we may be sure he performed without dissimulation or self-repression. The resolutions went straight to the mark—his mark—which, in the nature of the men, Cuming had already become:

"Whereas, we believe that, in order to attain the ends of just government, the executive power should be vested in upright and honorable men; and, whereas, we believe that that power, when confided to unprincipled knaves, who seek rather to control than consult the people (whom we recognize as the only true American sovereigns) is always used to the advantage of the few and the oppression of the many, therefore,

"Resolved, 1st, That Acting Governor Cuming is neither an upright, honest nor honorable man.

[1] George W. Hollister was a young man of about twenty-five years of age when he came to Nebraska territory, and was probably a native of Illinois, having graduated from Gale college in that state, and studied law at Ottawa. Though a quiet, studious, and inoffensive young man, he in some way became involved in a dispute over the boundaries of a claim which he had near Bellevue, and was killed by a shot fired by Dr. Charles A. Henry, April 3, 1855. The funeral services were conducted at Council Bluffs by Rev. G. G. Rice, who still resides there, and the remains were taken east for burial.

For biography of C. A. Henry, see foot-note 3, p. 191.

"Resolved, 2d, That he, the aforesaid Acting Governor Cuming, is an unprincipled knave, and that he seeks rather to control than consult the people.

"Resolved, 3d, That he the said acting governor has, by his own acts, secret ones now exposed, as well as those which he has openly avowed, convinced us of the truth of, and invited us to pass the above resolutions.

"Resolved, 4th, That, recognizing the right of petition as the prerogative of all free citizens of the United States, we do hereby petition His Excellency, Franklin Pierce, President of the United States, to immediately remove the said Cuming from the acting governorship.

"Resolved, That we, also, because of the reasons hereinbefore stated, petition for his removal from the secretaryship of this territory.

"Resolved, That the secretaries of this convention forward a copy of these proceedings to every newspaper in Nebraska for publication, and every paper containing them, with a written copy, to the president of the United States.

"On motion,

"Resolved, That we recommend Gen'l Bela M. Hughes of Missouri, for the office of governor, and Dr. P. J. McMahon of Iowa, for the office of secretary."

"After a long and spirited discussion," we are told, the resolutions were unanimously adopted.[1]

The following letter[2] from Acting Governor Cuming to President Pierce, dated December 13, 1854, illustrates the turmoil in which these territorial organizers were plunged:

"Dear Sir:—

"I understand that petitions are in circulation asking my removal from the office of governor. These petitions have been prepared and are being distributed by speculators whose fortunes have been marred by the location of the capitol. My only request is that if any charges shall be made I may not be dealt with without the opportunity of answering them.

"You are aware that I have never sought my present position; but being called to it by the interposition of Providence I have not felt at liberty to neglect or postpone the organization of the territory. The protracted illness and unexpected decease of the late lamented governor left but a short interval for the decision of the vexed questions connected with that organization. Hence some errors may have been committed; but I especially solicit that my conduct may be subjected to the test of the most rigid scrutiny.

"Great fortunes have been invested in rival points for the capitol, and the exasperation expressed and desperate persecution resorted to by the disappointed are not unnatural, and were not unexpected. I am prepared, however, to prove by letters and certificates that I have refused bribes and relinquished gratuities, and have located the capitol where my pecuniary interests were least considered, at a point which I believed would give satisfaction to the people and stability to the territorial organization.

"My enemies expect to have a governor appointed whom they can influence to veto an act establishing the capitol at that point. I am writing to you, General, with frankness and confidence, and I desire to say that ever since the death of Gov. Burt I have hoped that someone might be appointed who would relieve me of the responsibility and risk confronting so many opposite and threatening interests. This has not been the case, and I have no alternative but to meet the storm and abide its results. Should another individual be chosen *after* those embarrassments have been surmounted their unpopularity incurred I trust that his appointment will not be permitted to be construed into a condemnation of my course, and shall be glad (if so requested) to present to you facts and certificates to overthrow the allegations of my enemies.

"Trusting that your administration may continue to be crowned (as I believe it will) with success and the approval of the people, and that the strength which it has added to the republic may be fortified by the uprightness and efficiency of your officers, I remain,

"Very truly and sincerely,

"T. B. Cuming."

On the 9th of January, 1855, another anti-Cuming convention was held at Bellevue which contained at least three delegates from the North Platte country, E. R. Doyle[3] of

[1] *Palladium*, January 3, 1855.

[2] Collections Nebraska Historical Society. Though the original or office draft of this letter is very much interlined and corrected it is yet not creditable to Gov. Cuming's reputation for good English composition.

[3] Colonel Eli R. Doyle, second United States marshal of Nebraska territory, came from South Carolina and was a surveyor by profession. He was doubtless one of the party who accompanied Governor Burt, and was one of the men delegated to escort the remains of

Fontenelle, Dr. B. Y. Shelley[1] of Blackbird Hills, and J. C. Mitchell of Florence. The resolutions of the convention charged, among other things, that the acting governor was a non-resident of the territory, that his apportionment of representation was unjust, and demanded that the census be taken again and that the territory be redistricted.

Mr. Mitchell, who was afterwards mollified by appointment as sole commissioner to locate the capitol in Omaha, made "a very interesting speech." He said that there was not population sufficient in Florence or in Burt or Dodge counties to entitle them to designation as an election precinct, and so the governor made it up by causing certificates to be made up and signed by loafers in Council Bluffs. "The officer who took the census in Dodge county enrolled numbers in the grog shops of Council Bluffs. Omaha was supplied in the same way." On the other hand, he said, census officers on the south side of the Platte were required to cut down their returns so that, notwithstanding that this section had the greater population, the majority of the representatives should be from the north side.[2] But this precaution or basis for consistency with which Mr. Mitchell credits Cuming seems inconsistent with the facts as well as with our estimate of Cuming's characteristics and our knowledge of his methods.

According to the Nebraska City *Press* of December 1, 1859, the following somewhat hackneyed story was still going the rounds of the eastern press. It is likely that it is a substantial statement of fact, and in any event it is typically true: "Mr. Purple, formerly conductor on the Western railroad and a member of the first Nebraska legislature, tells his experience in western politics as follows: 'Secretary T. B. Cuming said to me one morning: "Purple, we want a member from Burt county." So I harnessed up and took nine fellows with me from Iowa, and we started for the woods, and when we thought we had got far enough for Burt county we unpacked our ballot box, and held an election (in Washington county), canvassed the vote, and it was astonishing to observe how great was the unanimity at the first election held in Burt county.'" Purple had every vote and was declared duly elected.

There were four candidates for the office of delegate to Congress: Hadley D. Johnson of Council Bluffs—but by proxy of Omaha City—who, we have seen, had gone across the river to Bellevue in 1853, to be elected provisional delegate to Congress; Bird B. Chapman, just arrived from Elyria, Ohio, in search of a political career; Napoleon B. Giddings of Savannah, Missouri, who, it is alleged by contemporaries, never even pretended to citizenship in Nebraska; and Joseph Dyson,[3] who strove to create a wave of public sentiment which should carry him into the coveted office by exploiting more advan-

---

the Governor back to his late home. He returned to Nebraska and was elected a member, from Dodge county, of the lower house in the territorial assembly. He was appointed United States marshal April 7, 1855, to succeed Mark W. Izard, who had been appointed governor. Mr. Doyle died December 27, 1855, his death resulting from a fall down the stairs of the old Western Exchange building in Omaha.

[1] Dr. B. Y. Shelley, Nebraska pioneer and first settler of Knox county, was a resident of Council Bluffs previous to his coming to Nebraska. He settled in Omaha in 1855 and was one of the incorporators of the Nebraska Medical Society, March 25, 1855, but did not become a permanent resident. He went from Omaha to what was then Black Bird county in 1854 and founded the Black Bird Hills colony near the southern boundary of Burt county, becoming one of the first settlers of Black Bird City. In May, 1856, with R. R. Cowan, he started to explore the territory with a view to founding a town on the Niobrara river. He located the present site of Niobrara in the summer of 1856, built a cabin, and passed the winter there. By August of the following year more than sixty men had settled there, and through Dr. Shelley the Niobrara Town Company was organized. He was appointed postmaster in 1857. Nothing is known of his later life, and no record can be found of his career before coming to Nebraska.

[2] *Palladium*, January 10, 1855.

[3] Joseph Dyson, candidate for the nomination as delegate to Congress for Nebraska territory in 1854, is described as being a man of little learning, who based his claims chiefly on the fact that he was one of the great common people and as such would be a fitting representative of their interests. His motto was, "America, the constitution, the union, liberty, squatter sovereignty, and preemption rights extended indefinitely." In a lengthy address published in the *Palladium* of December 6, 1854, he describes himself as follows: "In politics I am a democrat; by trade a house-carpenter, thirty-five years old, six feet high, weigh one hundred and seventy pounds, have a wife and three children."

W P Snowden

Rachel Snowden

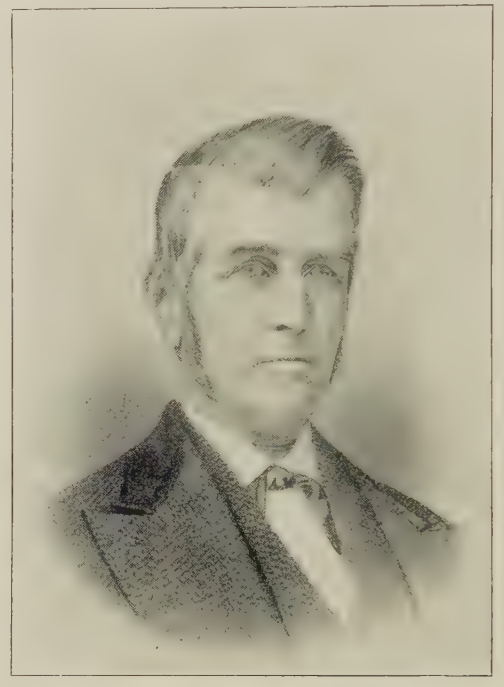
tageous land laws. The abstract of the vote[1] illustrates the early sectional alignment of voters, and also the fact that it did no harm to a candidate in our border counties to hail from Missouri.

To refute the charge that Judge Kinney was ineligible to the office of delegate to Congress because he was not a resident of the territory, the Nebraska City *News*[2] calls attention to the fact that the organic act required only that a delegate should be a citizen of the United States. The *News* then makes the following statement as to the residence of Chapman and Giddings when they were candidates for the office in question: "The 'oldest inhabitants' of the territory will doubtless recollect that two delegates from this territory had no other qualification. N. B. Giddings, the first delegate, was a citizen of Missouri, and came into the territory only about two weeks before the election, and then brought no other property with him except a carpet-bag. Bird B. Chapman, the second representative of the territory, was at the time of his election a citizen of Elyria, Ohio. He never resided here at all. As far as citizenship here was concerned he had none; he represented us entirely on the strength of being a citizen of the United States."

A contemporaneous account of the "Quincy colony"—the first name of the settlement at Fontenelle—incidentally explains the curiously solid vote of Dodge county for Abner W. Hollister; and at the same time illustrates the isolation of the various early settlements:

"To the credit of the interesting colony their election was carried on without the aid of intoxicating drinks and hence the unanimity that prevailed. The good people of Fontenelle, not having heard of the withdrawal of Mr. Hollister from the canvas, voted for him as a representative of the interest which they are laboring to secure."[3]

Our Puritan editor characterized these colonists as "enlightened and influential men, and above all, men of high moral endowment." Governor Cuming gave this solid fourteen a representation in the legislature of one councilman and two members of the



NAPOLEON B. GIDDINGS[4]
FIRST DELEGATE TO CONGRESS FROM THE ORGANIZED TERRITORY OF NEBRASKA

[1] The following table is taken from Records Nebraska Territory, pp. 25–27:

| COUNTIES | Chapman | Dyson | Giddings | Hollister | Johnson |
|---|---|---|---|---|---|
| Burt | 12 | ..... | ..... | ..... | 45 |
| Cass | 13 | 3 | 111 | ..... | 3 |
| Dodge | ..... | ..... | ..... | 14 | ..... |
| Douglas | 7 | 20 | 72 | ..... | 198 |
| Forney | 14 | ..... | 28 | ..... | ..... |
| Pierce | 49 | ..... | 132 | ..... | 7 |
| Richardson | 14 | ..... | 24 | ..... | ..... |
| Washington | 5 | ..... | 16 | ..... | 13 |
| | 114 | 23 | 383 | 14 | 266 |

[2] September 20, 1862.

[3] *Palladium*, December 20, 1854.

[4] Napoleon Bonaparte Giddings, first delegate to Congress from the territory of Nebraska, was born in Clark county, Kentucky, in 1816, and died in Savannah, Missouri, August 3, 1897. At the age of twelve years he moved with his parents to Fayette, Howard county, Missouri, where he was educated. In 1836, when Texas declared her independence of Mexico, he enlisted as a private in the army of patriots and in a short time was made sergeant-major of his regiment. At the close of this war, as a result of which Texas gained her independence, Mr. Giddings was appointed chief clerk in the auditor's office and later became acting auditor of the republic. In 1838 he resigned this office and returned home where he studied law and was admitted to the bar three years later. In 1846 he enlisted in the United States army for service in the Mexican war, and received a captain's commission under Sterling Price. Returning to Missouri at the

house. It may be doubted that our censor of the *Palladium* would have made his certificate of character quite so sweeping after two of the three members from Fontenelle had voted to locate the capital at Omaha. He was justified, however, to the extent that J. W. Richardson,[1] the secretary of the colony, and who, we may assume, was representative of its peculiar virtue, voted against Omaha and so against his section.

The editor of the first newspaper printed in Nebraska was temperamentally fitted for feeling that he carried the full weight of responsibility for the task of properly laying the foundations of the new state. This is shown in his account of the coming and the pathetic leaving of the first chief magistrate. The governor and his party arrived at Bellevue on the [illegible] October.

"His arrival was unheralded and unostentatious—his dress, equipage, manner, and appearance indicated a disposition to respect those fundamental principles of republican simplicity which constitute the groundwork, strength and beauty of our political and social system. The governor is apparently nearly fifty years of age—a little above the medium height, well proportioned, simple and easy in his manners and expression. His countenance indicates the possession of those peculiar traits of character needed to secure the confidence and respect of the people who come to build up the institutions of liberty, harmony and Christianity upon this virgin soil, for so many ages past held in undisputed possession by its aboriginal owners—the children of the forest.

"The governor was hospitably entertained by I. H. Bennet, Esq., of this place. The governor took lodgings at the office of the Indian Agency."[2]

DR. CHARLES A. HENRY[3]

The fact that the entertainer of the governor of the commonwealth was the blacksmith of the Omaha agency must have satisfied the editor's exacting democracy.

A meeting of citizens, of which George W. Hollister was chairman and Stephen Decatur secretary, was convened, and Lieut. Hiram P. Downs, Isaiah H. Bennet, and Stephen Decatur were appointed a committee to tender the governor a hearty welcome. The committee soon reported that the governor would be pleased to meet his friends on the following Monday. At the second meeting, on Monday, Abner W. Hollister reported that the governor was too ill to attend, whereupon

close of the war he conducted the *Union Flag*, which was the first paper published in Franklin county. Upon the discovery of gold in California Colonel Giddings went to the Pacific Coast where he remained two years, and then returned to Missouri and settled in Savannah. In 1854 he was elected delegate to Congress for the territory of Nebraska. When in Nebraska he made his home at Nebraska City and was a member of the town site company of that place. During the Civil war he enlisted in the 51st regiment of Missouri volunteers, and was elected lieutenant-colonel of the regiment. He was married November 15, 1842, to Arminde Boone, and four children were born to them. Colonel Giddings was a Mason and was identified with the order over fifty-six years.

[1] J. W. Richardson, who as corresponding secretary, was really the moving spirit and manager of the Fontenelle colony, was a native of New York, born in 1805. Judge Richardson was a lawyer by profession, and was elected a member of the house in the 1st territorial assembly of Nebraska. With his wife he was sent out from Quincy, Illinois, in the fall of 1854 to hold the site which had been selected for the colony, and to prepare for others who were to follow the next spring. Mr. Richardson died at Fontenelle in 1858, and was buried there. He left a widow who became the wife of E. R. Cline, and who lived until 1893.

[2] Nebraska *Palladium*, October 11, 1854.

[3] Dr. Charles A. Henry was a son of Anan and Lucy (Snow) Henry, the former born in New Hampshire and a classmate of Franklin Pierce; the latter a native of Massachusetts. Charles A. Henry was born in Hamilton, New York, August 2, 1831. He studied medicine in New York city, and later with Dr. Ransom, a celebrated physician of Earlville, New York. At the age of twenty-one he removed to Fostoria, Ohio,

Col. Joseph L. Sharp, "of Iowa," Hiram P. Bennet, also "of Iowa," Rev. William Hamilton, and Maj. George Hepner made appropriate speeches.

The same issue of the *Palladium* gives this information:

"The governor reached Belleview in an enfeebled condition, . . . his complaint being a derangement of the bilious system. After his arrival his complaint continued to increase in malignancy, until it was thought advisable to call for medical aid. Accordingly a messenger was dispatched to Messrs. McMahon & Williams, of Bluff City, who immediately sent Dr. A. B. Malcolm, an accomplished physician, connected with them in his profession. . . . The governor is now convalescent and it is hoped will soon recover from his prostration."

On the 18th of October the *Palladium* announces that "the governor was slowly recovering from his prostration until the 12th instant when from improper annoyance from visitors, and perhaps unnecessary exposure of himself while in his enfeebled condition, his fever returned with an aspect sufficiently threatening to make it necessary to send for his physician." The public is assured that "the governor is comfortably situated at the Otoe and Omaha mission." On the 25th of October the *Palladium* gives an account of the governor's funeral. After the singing of an appropriate hymn Secretary Cuming, "evidently under the deepest emotions of grief," made some appropriate remarks, and he was followed by Chief Justice Ferguson and Rev. William Hamilton, who conducted the services. On the 20th an escort started with the body "for burial at the family residence in South Carolina."

Thus were completed the preliminaries for lodging local civil government in a vast and unexplored region, upon a soil that had been untested by tillage, and in a climate untried as to healthfulness through permanent occupancy by civilized man. And now in the crucible of these conditions the courage and constructive capacity of the pioneers are to be put to test, and though never so severe it is not to find them wanting. Many, or most of them, had surrendered good homes and the associations and endearments of kindred and friends in other communities. The privations of frontier life were voluntarily sought only by men and women who had the courage,

---

where he practiced medicine, and, coming to Nebraska territory in 1854, settled on a claim near Bellevue. On April 20, 1855, he was charged with killing George W. Hollister. The shooting was the outcome of a quarrel between Hollister and a Dr. Butterfield over a land claim. Dr. Henry gave himself up and was taken to Omaha for trial, where, at the preliminary hearing before Chief Justice Ferguson, he was defended by Andrew J. Poppleton and Oliver P. Mason, and was bound over to await the action of the grand jury. This was the first notable appearance of Mr. Mason in Nebraska, and he addressed the court in condemnation of its order that "the prisoner be shackled, handcuffed, and chained to the floor." In scathing terms he charged the court with inhumanity and injustice, until friends expected an order imprisoning Mason for contempt, but instead Judge Ferguson modified his order so that the prisoner might be kept at the house of Sheriff P. G. Peterson under such restraint as that officer might think necessary. The grand jury failed to indict Dr. Henry, but Judge Ferguson insisted on holding him until his case could be brought before another grand jury. At this period Dr. George L. Miller, the only physician in Omaha, was called to attend government troops en route to Ft. Pierre, among whom the cholera had broken out. During his absence, Dr. Henry made professional visits under the escort of Sheriff Peterson. He made many friends, and the next grand jury failing to find an indictment against him, he was released. His plea was that the shooting was done in self-defense, and his subsequent career would seem to indicate that he was not a man to take human life without provocation. In 1855 he became an active and enterprising citizen of Omaha, and in 1856 built the first portion of the Pioneer block, then called the Henry block. He was also proprietor of the first drug store in Omaha. In 1858 he settled on a ranch on Wood river, opened a store at Ft. Kearney and also one at Cottonwood Springs. He was one of the town site proprietors of Central City and later of Kearney City, and in 1860 was appointed clerk of Kearney county. He was widely known throughout the territory as a promoter of new towns. An interesting story is told of an instance that occurred while Dr. Henry was under arrest at Bellevue the day after the killing of Hollister. Dr. Benjamin P. Rankin called on him, at his request, in the Indian blacksmith shop where he was imprisoned. After the interview Rankin came out laughing. "In answer to an inquiry Rankin replied that he was laughing at the force of habit as displayed in Henry's case. He had found him studying a map of Iowa and he had asked Rankin if he didn't think such and such a spot was a good place to lay out a town." Dr. Henry was a pro-slavery democrat, but during the war of the Rebellion rendered valuable service to the Union. At the suggestion of Col. E. D. Webster of the state department, who, while editor of the *Republican*, had known Dr. Henry in Omaha, he was equipped as an army surgeon and sent as a spy through the southern lines. His work was exceedingly perilous, but from his acquaintances in the South, and because of his known anti-abolition sentiments, he obtained passes through the Confederate lines and after a month returned north with valuable information to the government. As a reward for this service he was commissioned captain,

spirit, and ambition to give up agreeable environments in an old home for the purpose of founding a new one. From the days of the colonies in Virginia, New England, and New York, the best types of mankind, physically and mentally, and the strongest individuals of those types—those gifted with self-reliance and inspired by the spirit of self-denial—have penetrated new countries and opened them to the institutions of civilization. The dependent, the habitually gregarious, never strike out from parents, kindred, and the comfortable circumstances of settled social life to challenge the hardships of the wilderness. Only that civilization and those breeds of men capable of developing strong individuality and self-reliance can establish and maintain settlements remote from populational centers. Self-reliance, self-control, and stability among savages are merely sporadic; consequently we find no traces of voluntary migrations for establishing permanent sovereignty and settlements by the Indians who preceded us upon these plains. The strong characteristic of the pioneer is his ambition and zealous, enthusiastic work for to-morrow, his willingness cheerfully to endure hardships in the present that others may enjoy consummate satisfactions in future—satisfactions which he himself may never experience. There were genuine heroes among the openers and testers of the vast crust of soil which stretched from the river to the mountains. They worked tirelessly, with intelligence and directness, to demonstrate the value of its constant productivity. Already the great majority of that peaceful and heroic band who first planted these prairies have folded their tired arms and lain down to everlasting rest. The story of their humble lives, their useful labors, their sacrifices, and their achievements has perished with their generation, and will not be told. As their cabins have been replaced by the mansions of followers, and the smoke of their chimneys has faded away into unknown skies, so have they gone from sight and remembrance. But their successes, achieved in that primitive and frugal Past, are the foundations of all the industrial and commercial superstructures which our Present proudly enjoys. As we walk the streets of a thronged metropolis we look in wonder and with admiration upon the splendid triumphs of modern architecture. Magnificent palaces of industry, reaching into the clouds and embellished with all the symmetry and grace which skill and taste can evolve, attract and entrance the eye. But we seldom give a moment's thought to the broad and strong foundations laid and hidden deep in the earth, which, with unquaking and stupendous strength, uplift and sustain all. The citizen of this prosperous commonwealth today beholds the superstructure of a state, but very infrequently are the founders and the foundations upon which it is erected ever brought to mind. Desire and ambition for achievements, instead of vital gratitude and reverential memory, occupy the mind and absorb the energy of the present generation. The pioneers in their graves are recalled only now and then by some contemporary who, perchance lingering beyond his time, tells stories of their courage and of their character.[1]

and later was assigned as chief quartermaster of the 7th army corps with General Steele in Arkansas. At the close of the war he was mustered out with the rank of lieutenant-colonel. In 1870 he moved to California, where he formed a company, returned to Evanston, Wyoming, and opened the coal mines near that place. He has two sisters living, a Mrs. Young of Merced, California, and Ann H. Henry, who was married in 1858, at Council Bluffs, Iowa, to James E. Boyd, well known as a prominent pioneer of Nebraska and once governor of the state. Another sister, Ona B., married Charles McDonald, North Platte, Nebraska, and died December 28, 1898. Dr. Henry died at the residence of Governor Boyd in Omaha, June 8, 1880, while en route from Oregon to Pennsylvania. Dr. Henry was twice married. Two daughters by his first wife reside in Los Angeles, and one in San Francisco, and two sons by his second wife live in the latter city.

[1] These philosophical reflections should be credited to the late J. Sterling Morton.

# CHAPTER VII

FIRST LEGISLATURE—ADMINISTRATION OF GOVERNOR IZARD—LOCATION OF THE CAPITAL—LAWS OF THE FIRST SESSION—UNITED STATES SURVEYS—CLAIM CLUBS—NEBRASKA'S PECULIARITY—FIRST INDEPENDENCE DAY—JUDICIAL ORGANIZATION

IN accordance with the proclamation of Acting Governor Cuming, the first legislature of Nebraska territory convened at Omaha, Tuesday, January 16, 1855, at ten o'clock in the morning, in the building which had been erected for the purpose by the Council Bluffs & Nebraska Ferry company. This company was incorporated under the laws of Iowa, and Enos Lowe was its president. This Iowa corporation embodied or represented the Omaha that was to be; for the future metropolis then existed only in the imagination, the hope, and the ambition of its Iowa promoters. Iowa men had procured the incorporation of the territory and shaped it to their wishes; and an Iowa man had organized it into political form and arbitrarily located its temporary seat of government contrary to the wishes of its real residents. It was fitting that Iowa capital and enterprise, which were to fix the seat of the government, should also temporarily house it. "This whole arrangement," we are told by the *Arrow*, printed in Council Bluffs, "is made without a cost of one single dollar to the government."

FIRST TERRITORIAL CAPITOL BUILDING OF NEBRASKA AT OMAHA, 33 x 75 FEET, AND COST ABOUT $3,000.00

This first tenement of organized Nebraska government was located on lot 7, in block 124, as platted by A. D. Jones, fronting east on 9th street between Farnam and Douglas. The structure was known as "the brick building at Omaha City," indicating that it was the first building of brick in the town. It was occupied by the legislature for the first two sessions, and was afterwards used as the first general offices of the Union Pacific Railway Company, until, in the fall of 1869, they were transferred to their present quarters.[1]

The first meeting house of the legislature is thus described by the disappointed but no doubt faithful contemporary chronicler of the *Palladium*:[2]

"The building in which the session is to be held is a plain, substantial, two-story brick edifice, which we should judge was about 30 by 45 feet. The entrance to the building is on the east side, into a hall, from which the various state apartments above and below are reached.

"As you enter the hall below, the representatives room will be found on the left, and the governor's apartment on the right. A winding staircase leads to the hall above, at

[1] Memorabilia, Andrew J. Poppleton, p. 262.

[2] Nebraska *Palladium*, January 17, 1855.

the head of which, upon the left, you enter the council chamber and the committee rooms on the right. The building is a neat and substantial one, but altogether too small for the purpose intended.

"The speaker's desk is elevated two or three steps above the level of the floor, and likewise that of the president of the council. The desks are well proportioned and tastefully finished.

"The desks for the representatives and councilmen are designed to accommodate two members, each having a small drawer to himself, and a plain Windsor chair for a seat. The furniture, including the secretaries' and speaker's desks and chairs, is of the plainest character, and yet well suited to the purpose for which they were designed.

"The size of the legislative rooms are so small that but very few spectators can gain admittance at one time.

"We were struck with the singularity of taste displayed in the curtain furniture of the different rooms, which consisted of two folds of plain calico, the one green and the other red, which we took to be symbolic of jealousy and war—which monsters, we fear, will make their appearance before right is enthroned and peace established."

JOSEPH L. SHARP[2]
PRESIDENT OF THE 1ST TERRITORIAL COUNCIL

On the 13th day of October the *Arrow* tells us that, "But a few short months ago and not a sign of a habitation was visible upon the site where now are constantly in progress and will be completed, within another month, a town numbering some 175 or 200 inhabitants."

The legislature was composed of a council of thirteen and a house of twenty-six members. It can not be said that a single member of this first legislature had a permanent footing in the territory, and many of them had not even "declared their intentions." But the men from Iowa were there in full force. Mr. J. L. Sharp, the president of the council, nominally from Richardson county, lived at Glenwood, Iowa, and never became a resident of Nebraska. Out of the total membership of thirty-nine at least five, namely, Sharp, Nuckolls, Kempton,[1] Latham, and Purple never were actual residents of the territory, and many of the rest were mere sojourners—driftwood, temporarily stranded on this farther shore of the westward stream of population, but destined soon to be caught by its constant onward flow and carried off to the boundless country beyond.

The members of the first territorial council were Benjamin R. Folsom of Burt county,

[1] This statement should be modified as to Kempton and Purple, who both gained some claim to residence.

[2] Joseph L. Sharp, president of the council of the 1st territorial assembly, was a son of James and Polly (Baldwin) Sharp, who resided upon a farm twenty miles west of Nashville, Tennessee. The Sharp family were descendants of Lord Baltimore and were early settlers of Baltimore, Maryland. One branch of the family settled in Carlisle, Pennsylvania, and of these, John Sharp, grandfather of Joseph L. Sharp, subsequently settled upon a farm near Uniontown, Pennsylvania. James Sharp, the father of Joseph L. Sharp, died in 1817, in Florida, having been engaged in trading in mules and horses from the close of the War of 1812. His property in Tennessee was somewhat encumbered, and Joseph L. Sharp, a younger brother, and a sister were left with their mother to make their own way through life. Little is known of the early life of Mr. Sharp, but he was born November 26, 1804, and February 26, 1826, was married to Matilda Singleton, of Virginia, a daughter of an officer in the Revolutionary war, who was born December 17, 1803. Soon after his marriage Mr. Sharp moved to Fulton county, Illinois, and settled at Bernadotte, a place laid out on land owned by him. In 1850, with his wife and oldest son, he moved to Coonville, Iowa, now known as Glenwood. In connection with J. W. Coolidge, Joseph Rawls, and Oliver N. Tyson, he laid out the town

Lafayette Nuckolls of Cass county, Munson H. Clark of Dodge county, Taylor G. Goodwill, Alfred D. Jones, Origen D. Richardson, Samuel E. Rogers of Douglas county, Richard Brown of Forney county, Hiram P. Bennet, Henry Bradford,[1] Charles H. Cowles of Pierce county, Joseph L. Sharp of Richardson county, James C. Mitchell of Washington county.

The first territorial house of representatives was comprised as follows: Burt county, Hascall C. Purple,[2] John B. Robertson; Cass county, William Kempton, John McNeal Latham, Joseph D. N. Thompson; Dodge county, Eli R. Doyle, J. W. Richardson; Douglas county, William N. Byers, William Clancy, Fleming Davidson, Thomas Davis, Alfred D. Goyer, Andrew J. Hanscom, An-

---

of Glenwood. His first public office there was that of prosecuting attorney, and he was for a time acting judge of Mills county. He was the first member to represent Mills county in the Iowa legislature, and it is said that his legislative district covered about thirty counties, or about one-third of the area of the state of Iowa. In 1852 he received a license to run a ferry between Bethlehem, Iowa, and Plattsmouth, Nebraska. Colonel Sharp went to Washington and submitted the plan of making two territories out of the proposed Nebraska territory, and upon the organization of the territory of Nebraska he was elected to represent Richardson county in the first territorial council, and was president of that body, though he was at the time a resident of Iowa. Subsequently he was appointed special Indian agent for several tribes west of the Missouri river. Mr. Sharp was an active and enterprising citizen and was always prominent in political affairs. Before he became a member of the Nebraska assembly, he had served two terms in the Illinois legislature, 1842 to 1846, and one term in the legislature of Iowa, 1853-54. He served in the Blackhawk Indian war, in 1832-33, and in the 4th Illinois volunteers in the war with Mexico; and was also in General Houston's command in the war for Texas independence. His first wife died at Glenwood, Iowa, February 22, 1863, and November 1, 1865, he was again married, to Dorothy J. Arthur, of Hillsboro, Arkansas. Mr. Sharp was the father of six children: Illisanna, who married Wheatley Micklewait, and now resides in Jonesborough, Arkansas; Emma Palmer, deceased; Melissa Jane married Thomas J. Palmer, Alliance, Nebraska; Neal J. Sharp, Haley, Idaho; Joseph G. Sharp, deceased; Ewing Smith Sharp, deceased. Joseph L. Sharp died at Memphis, Tennessee, in 1869, of yellow fever. According to Dr. George L. Miller, "The territorial council was the more dignified and orderly of the two bodies, for two reasons: it was composed of only thirteen members, and they were mostly of middle age. A third reason was, perhaps, that the president of the upper body [Joseph L. Sharp] was a gray-haired man of perhaps sixty years of age, who had served in the legislatures of other states, and he always preserved that dignity and decorum which is becoming in a presiding officer of a deliberative body. It is true that he was a model president, and his rulings on knotty points of parliamentary law and order were invariably sound and impartial. . . During the sessions of the council he seldom left the chair to engage in debate. It was only when he was personally assailed that he did this. He was a man of clear head, spoke well, and with earnestness and force. Colonel Sharp was accused of playing high and sometimes low, with a cunning that was peculiarly his own, for personal benefits, by men who knew him well. No charge against him was ever made on the floor of the council, beyond intimations. It was understood, however, that in the capital removal matter he left the legislature as empty-handed as when he entered it. He directed legislation with a clear understanding, and was effective in securing the passage of good bills which were of general interest. When it came to special legislation, he may not have been so vigilant. Colonel Sharp never appeared in Nebraska affairs after he had served his term of two years, but his son, Johnson [Neal J.], who had an actual residence in Cass county (the father claimed to represent Richardson in the council), gained a seat in the house at the second session. When he rose in that body and made a motion for the house to vote upon a pending matter, not *viva voce*, but *vice versa*, his disgusted father, who was visiting the house at the moment, nearly fell out of his chair from chagrin."

In personal appearance, Colonel Sharp was tall and strongly built, of commanding presence and stately demeanor. He suffered from smallpox in 1852, which caused the loss of one eye, and otherwise disfigured his face. He possessed a kindly disposition, and was noted for his loyalty to friends. He is spoken of by his associates as a natural leader among men, and deserving of the prominent place accorded to him in public affairs. We are fortunate in being able to present the only portrait of him extant, and which is now published for the first time.

[1] Dr. Henry Bradford, member of the council of the 1st territorial assembly of Nebraska, was a son of Cornelius and Hannah (Gay) Bradford, and a lineal descendant of William Bradford, second governor of Plymouth Colony. He was born in Friendship, Maine, in 1813. He was a sailor in his boyhood and became captain of his ship when only twenty-two years of age. He studied medicine, was admitted to practice, and in 1853 moved to Iowa. He was a brother of Judge Allen A. Bradford, a sketch of whose life is given in this volume, and they came to Nebraska about the same time, arriving in Nebraska City early in the year 1855. In May, 1855, he was elected mayor of that city, receiving 36 votes against 24 for M. W. Brown. He was reelected in 1856, and as mayor he entered the town site and obtained the land officer's receipt for the entrance fee, March 31, 1857. He was the proprietor of the first drug store in Nebraska City under the firm name of Henry Bradford & Co. He was editor of the Nebraska City *News* from November 14, 1854, to April 12, 1855, when J. Sterling Morton succeeded him. Later he was a contributor to the *Nebraska State Journal* for several years. In 1855 he was elected a member of the first territorial council representing Pierce, now Otoe county. Dr. Bradford practiced medicine until 1870—in his later years in Omaha—when he retired on account of failing health. He died in Omaha in December, 1887.

[2] Hascall C. Purple, member of the 1st territorial assembly of Nebraska, was a resident of Council Bluffs as early as 1850. He was born about 1827, in Massachusetts. Little is known of his early life, but it is supposed that he came to Council Bluffs, Iowa, from the state of Michigan. Upon the organization of the territory of Nebraska he crossed the river and, with a party of friends, helped to lay out the town of Tekamah, and

drew J. Poppleton, Robert B. Whitted;[1] Forney county, William A. Finney, Joel M. Wood; Pierce county, Gideon Bennet, James H. Cowles, James H. Decker, William B. Hail, Wilson M. Maddox; Richardson county, David M. N. Johnston, John A. Singleton;[2] Washington county, Anselum Arnold, Andrew J. Smith.

It does not require the full spelling of these Christian names in the record to safely conclude that there were three "Andrew Jacksons" in the house. The circumstance that this representation of strenuous name from the North Platte outnumbered that of the South Platte, two to one, might have had much to do with the success of the first-named section in achieving its heart's desire.

Hiram P. Bennet of Pierce county was chosen temporary president of the council, and it is his recollection that J. C. Mitchell of Florence nominated him for that office and put the question to the council. After temporary organization the council proceeded to the chamber of the house where the governor delivered the first message to the joint assembly. With characteristic imperiousness he first undertook to administer the oath of office to the members. Mr. Bennet thinks that he required as a condition for taking the oath that members should have received certificates of election from him. At any rate three of the South Platte members, Bennet, Bradford, and Nuckolls, refused to take the solemn vow by the governor's sanction, and after the reading of the message both council and house acknowledged the irregularity of the proceeding by going through the ceremony before Judge Ferguson and Judge Harden respectively. This is the *Palladium's* unfortunately meager account of the first actual skirmish of the irrepressible and endless conflict between the North Platte and South Platte factions:

"The acting governor made an attempt to get control of the council, but was peremptorily denied the privilege by the president (Mr. Bennet), by whom he was told that he had no business to do what he was attempt-

was elected to represent Burt county in the lower house of the 1st territorial assembly. In 1855, about the time the town of Ft. Calhoun was laid out, Mr. Purple was wounded in the arm in a shooting affray growing out of an attempt to jump a claim of Hadley D. Johnson. In the fight Sherman Goss was killed and Mr. Purple had his arm broken, both men being in sympathy with Mr. Johnson's interests. Mr. Johnson quit-claimed one-half his interest to the widow of Mr. Goss and the other half to Mr. Purple. February 7, 1855, Mr. Purple was appointed by Acting Governor Cuming as Major of the 1st regiment Nebraska volunteers. He resided for a time in Nebraska, but no record can be found of his subsequent career. According to the statement of Mr. Royal D. Amy, of Council Bluffs, Iowa, he died in Minneapolis, Minnesota.

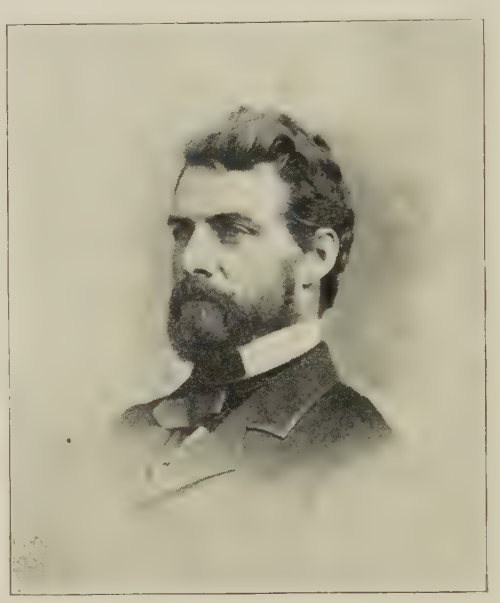
[1] Robert Bates Whitted, member of the first territorial assembly of Nebraska, was born in Murray county, Tennessee, April 26, 1822. He was of Welsh descent, his ancestors, who were of Quaker faith, having settled in North Carolina about 1685. His grandfathers fought under General Green in the Revolutionary war, and his father served under Jackson in the War of 1812. In 1830, Robert Whitted moved with his parents to Vigo county, western Indiana, from there to Park county, and later to Vermilion county, where his father died, leaving the family in very straightened circumstances. He attended school in winter and worked in summer, aiding his mother in the support of the family until he was twenty years of age, when he learned the trade of tanner and currier. In 1843 he moved to Keokuk, Iowa, and established a tanyard. In 1850 he started to California, but stopped at Kanesville (Council Bluffs), where he bought property and built a hotel. When the treaty was made with the Indians opening Nebraska for settlement, he crossed the river and took a claim on what is now the site of Omaha. He was democratic in his political views, and was elected to represent Douglas county in the lower house of the 1st territorial assembly. He was also elected sheriff of the Omaha Claim Club, July 25, 1854. Together with his brother, P. I. Whitted, now residing in Exira, Iowa, he helped to survey the town site of Omaha, under A. D. Jones, chief surveyor. Another brother, J. M. Whitted, resides in Papillion, Nebraska. His health being very poor, Mr. Whitted sold his land in Omaha in 1857 and moved south, settling in Sherman, Texas, where he bought a ranch. During the Civil war his property was destroyed because of his loyalty to the Union. The shock was too much for his frail health, and he died in 1863. In 1847 he was married to Lucindy Hurley, who died in 1857. Four children were born to them, two of whom died in infancy. Simeon and Pickney are supposed to be still living in the state of Texas.

[2] John A. Singleton, member of the lower house of the 1st and 3d territorial assemblies of Nebraska, represented Richardson county. He was a native of Pennsylvania, and was born about 1825. His occupation is given as that of a farmer. He had come from Missouri, where he had left a family, in the spring of 1854, and made a settlement near the present site of Salem, Richardson county. It is believed that Mr. Singleton was a relative of the first wife of Joseph L. Sharp, whose maiden name was Singleton, while both men gave Archer, Richardson county, as their residence. Mr. Singleton's most important act in the legislature was his exposure of an alleged attempt to bribe him with an offer of a gift of $4,000 in Omaha city scrip to vote for the location of the capitol at that place. Nothing can be ascertained about his subsequent career or his early life.

ing to do, and that he was not needed, and not wanted there, that he was not set in authority over that body, and that his pretensions could not be recognized by it."[1]

At the afternoon session Mr. Bennet, having become convinced that Mr. Sharp had been playing both sides, and had agreed to transfer his support to the North Platte, refused to act as temporary president, and Benjamin R. Folsom of Burt county was elected in his place.

Messrs. J. L. Sharp and Hiram P. Bennet of the council were advertised as lawyers of Glenwood in the *Palladium*, during and after the legislative session, and that faithful chronicler of the doubtful deeds of all whom it classed among the wicked says that immediately after final adjournment the president of the council "led off for Glenwood, Iowa, at about 2:40 on the first quarter."[2] The ordinary restraints to the game of grab for the capital, which was organized at Council Bluffs soon after if not before the passage of the organic act, were lacking. These restraints are a settled interest in the community or state which the non-resident does not have, and the pride and fear of reputation which are invoked in public representatives only by the knowledge and fear that the eye of a real and responsible citizenship, with moral standards by which it will reach moral judgments, is upon them. It was to be expected, therefore, that the preparation for, and the first step in law-making should do violence to moral law.



HIRAM P. BENNET[4]
PRESIDENT PRO TEM. OF THE 1ST TERRITORIAL COUNCIL

Omaha promoters intended to make that place the capital, and with well-founded confidence they relied upon the Napoleonic Cumming to carry out their intention. The citizens of Bellevue had insisted that their settlement should constitute a separate legislative district. It far exceeded in numbers any other settlement excepting Omaha and Nebraska City. "There were two points in the county though lying side by side were actually heaven-wide apart in interest and feeling. No union existed between them any more than if an ocean rolled between. If there were any points in the territory needing a district representation these were the ones."[3]

Mr. Decatur, in arguing his case as contestant for the seat of Mr. Poppleton in the

[1] Nebraska *Palladium*, January 17, 1855.

[2] Nebraska *Palladium*, March 28, 1855.

[3] Nebraska *Palladium*, January 3, 1855.

[4] Hiram P. Bennet, member of the council of the 1st territorial assembly of Nebraska, was born September 2, 1826, in Carthage, Maine. In 1831 his parents moved to Galion, Ohio, and settled upon a farm. H. P. Bennet worked upon the farm in summer and attended school in winter, until 1839, when the family moved to Missouri. They settled about four miles north of the present town of Savannah, and until 1846 Mr. Bennet worked continuously upon the farm. In 1846 he sold a number of horses and oxen to the war department, for the command of Colonel A. W. Doniphan, in the Mexican war, and, having rented his farm, with the proceeds of the sale he returned to Ohio, where he attended school in the vicinity of his old home. Later, he was a student at Marion, Ohio, and at Central College, near Columbus; but in 1848, his money running low, he returned to Missouri. During the summer he visited his brother, Isaiah H. Bennet, who was blacksmith for the Omaha Indians, at Bellevue, Nebraska, and by his aid earned money to continue his education. He returned to Ohio and took a special course of study in Delaware college, but in March, 1849, was taken very ill, and upon recovery had insufficient money to continue at the college. He returned home, where he started a subscription school, teaching two years, and in the meantime reading law. He was soon admitted to the bar of the circuit court at Savannah, and in the fall of 1851 opened an office in Coonville (afterwards Glenwood), Mills county, Iowa, where he was elected county judge. He married and remained at Glenwood until 1854, when he resigned his office of county judge and moved to Nebraska City, Nebraska. After the passage of the Kansas-Nebraska bill he preempted land southwest of Bellevue, which was one of the first legal claims made

house, January 31, is quoted as saying that "In the original organization of Omaha county, now recognized as Douglas county, there were two separate and distinct districts." The inference from this is that during the negotiations, or cross-bidding between Bellevue and Omaha, conducted by Governor Cuming, he had at first intimated or agreed that in the first organization Omaha City and Bellevue should be kept apart in distinct districts, and the county was to be named Omaha instead of Douglas. And so Mr. Decatur charges that, while the Nebraska bill makes it obligatory upon the acting governor to so district the county that each neighborhood should be represented, Bellevue is unrepresented.

By the governor's tactics, however, Bellevue was thrown into the Omaha district where her hostile vote was safely swallowed. But Bellevue voted for a distinct set of legislative candidates, and the tabulated vote is an interesting page of history.[1]

Bellevue, determined to emphasize to the utmost her distance from her northern rival, threw most of her vote for delegate to Congress to a resident of the far South, Savannah, Missouri—Napoleon B. Giddings—while Omaha voted for Hadley D. Johnson, actually of Council Bluffs but constructively of Omaha.

The Bellevue candidates contested, or rather attempted to contest the seats of the Omaha candidates—who had of course received certificates of election from Governor Cuming. In the council they made a test of A. W. Hollister's claims. On the second day of the session, by the close vote of 7 to 6, Dr. Geo. L. Miller of Omaha was chosen chief clerk over Mr. Isaac R. Alden, the temporary clerk, who, being from Washington county and Florence, presumably was not sound on the capital question; O. F. Lake was chosen assistant clerk, S. A. Lewis, sergeant-at-arms, and N. R. Folsom, doorkeeper.[2] Then Mr. Mitchell offered a resolution "that a committee of three be appointed to investigate the claims of A. W. Hollister of Douglas county to a seat in this body," which on motion of Richardson of Douglas was tabled.[3] A similar resolution on behalf of B. Y. Shelley of Burt county who, according to the returns, had received 25 votes against 32 for Folsom, the sitting

in Nebraska on public lands subject to occupation under the preemption law. He resigned his claim to his brother shortly after. Immediately after his arrival in Nebraska City he was elected a member, from Otoe county, of the council of the 1st territorial assembly. As soon as that body adjourned he returned to Nebraska City and built a house, since known as "The Elms." In 1855 he was a law partner of J. Sterling Morton, and became a candidate for delegate to Congress in opposition to Bird B. Chapman. He received a majority of the votes cast, but the canvassing committee gave the certificate to Mr. Chapman. Mr. Bennet went to Washington in December, 1855, and contested for the seat. The committee on elections reported in his favor, but later a minority report was presented, and upon a hearing of the case, July 25, 1855, the house refused to admit him, by a majority of three votes. He was allowed $2,500 to pay the expenses of the contest, and this, with his eight months' rich experience in Washington, fairly compensated him for the time and money he had expended. He returned to Nebraska City, with his wife and children. In 1859 he attended the republican territorial convention at Bellevue, hoping to receive the nomination as delegate to Congress, but was defeated by Samuel G. Daily. The following August he sold his property in Nebraska City and moved to Denver, Colorado. In 1861 he was elected delegate to Congress from Colorado; was reelected, serving during the four eventful years of Mr. Lincoln's administration. At the expiration of his term in Congress, he spent one year in New York in company with Stephen F. Nuckolls, trading in Colorado mines and West Virginia oil lands. He returned to Colorado, and in 1869 was appointed postmaster of Denver by President Grant and held the office five years. In early life he was a whig in politics; from 1856 to 1896 he voted the republican ticket; from 1896 to 1902 he was affiliated with the democratic party; but has determined to uphold in the future the principles of the socialist party.

Dr. Miller says: "Mr. Bennet was a light-haired, light-whiskered, light-complexioned, blue-eyed, slender man of medium height and the most capable member of the council from the South Platte, except President Sharp. He was shrewd, energetic and fearless, and an unconditional opponent of Omaha and of Governor Cuming. In debate he was quick and ready and always had something to say that attracted attention."

[1] Records of Nebraska Territory, p. 25.

| Omaha City Precinct | | Bellevue Precinct | |
|---|---|---|---|
| Councilmen | | Councilmen | |
| Samuel E. Rogers | 200 | Abner W. Hollister | 89 |
| Origen D. Richardson | 199 | William Gilmour | 85 |
| Alfred D. Jones | 191 | Philander Cook | 87 |
| Taylor G. Goodwill | 197 | James De Little | 80 |
| Representatives | | Representatives | |
| Andrew J. Hanscom | 201 | Stephen Decatur | 82 |
| William N. Byers | 202 | J. Sterling Morton | 91 |
| Andrew J. Poppleton | 202 | Jonas Mitchell | 78 |
| Robert B. Whitted | 202 | Silas A. Strickland | 78 |
| Fleming Davidson | 200 | Isaiah H. Bennet | 87 |
| William Clancy | 184 | Charles T. Holloway | 88 |
| Thomas Davis | 200 | William R. Watson | 89 |
| Alfred D. Goyer | 198 | Charles E. Smith | 88 |

[2] Council Journal, p. 13.

[3] Ibid., p. 14.

member, met with similar treatment. An attempt of the anti-Omaha forces to take up these resolutions on the following day was unsuccessful. On the 24th a resolution by Mr. Folsom to inquire into the right of Mr. Mitchell to a seat on the ground "that he is not now and never has been a citizen of Nebraska, but that he is a citizen of Iowa,"[1] was met by another from the other side making similar charges of non-residence against Folsom, Richardson, and Sharp, the president; and then came a resolution by Mitchell that Goodwill of Douglas was ineligible because he was a resident of New York, and another by Goodwill charging that Nuckolls of Cass was a minor. These resolutions were all referred to the committee on elections from which they were never reported, probably on the ground that it was not worth while, since the reasons for the investigation were admitted on all hands and could not be denied.[2] Resolutions calling on the governor to furnish the council with the original census returns and his instructions to census takers were referred with safety to the same committee, since two of its three members were from Douglas county.[3]

BENJAMIN R. FOLSOM[7]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

On the 6th of February this committee reported that it was "inexpedient" to further investigate the subject of contested seats,[4] a word fitly chosen, considering the peculiar character of the objections raised to the claimants of seats and the impartiality of their application. As Mr. Shelley had at least a plausible case against Mr. Folsom, based upon the number of votes he received and not upon the delicate one of non-residence, he was allowed the pay of a member up to February 6.[5]

In the house, on Mr. Poppleton's motion, Mr. Latham[6] of Cass was chosen temporary presiding officer, and Joseph W. Paddock was appointed temporary chief clerk, George S. Eayre, assistant clerk, Samuel A. Lewis, sergeant-at-arms, and Benjamin B. Thompson, doorkeeper. As in the council, those members were recognized who held certificates of election from the governor. In the joint session, Doyle of Dodge and Decker and Maddox of Pierce refused to receive the official oath from Governor Cuming.

[1] Council Journal, p. 23.

[2] Ibid., p. 24.

[3] Ibid., p. 26.

[4] Ibid., p. 42.

[5] Ibid., p. 105.

[6] John McNeal Latham, member of the lower house of the 1st territorial assembly, was, at the time of his election to represent Cass county, a lawyer at St. Mary, Iowa. He was also associated with Daniel E. Reed in the publication of the *Palladium*, when that paper first started, and in the publication of the *Gazette*, which preceded the *Palladium*. He was speaker pro tem. of the first session of the territorial house of representatives, and a member of some of the most important committees. He was removed from the chairmanship of the judiciary committee, Andrew J. Poppleton being substituted. He was one of the attorneys in the first law suit tried at Ft. Calhoun. He became district attorney of the 1st district, November 6, 1855, succeeding Silas A. Strickland. It is believed that he was a single man and died at St. Joseph, Missouri, as a result of dissipation. He was freely charged with having sold out his constituents, in the capital controversy, while a member of the territorial assembly. He was a native of Virginia, and was born about 1829. No photograph can be found.

[7] Benjamin R. Folsom, member of the council of the 1st territorial assembly of Nebraska, was born February 23, 1809, in Tunbridge, Vermont, and died November 20, 1882, in Tekamah, Nebraska. His youth was spent in Wyoming county, New York, where he became one of the most prominent citizens of that section. He was a successful farmer, merchant, and miller of Wyoming county and occupied many positions of trust, representing the town of Bennington

On the second day Andrew J. Hanscom of Douglas was elected speaker by a vote of 18 against 7 cast for John B. Robertson,[1] of Burt; Joseph W. Paddock of Douglas was elected chief clerk over Mastin W. Riden by a like vote; George S. Eayre, assistant clerk, over Mastin W. Riden by a vote of 19 to 7, and Isaac L. Gibbs[2] doorkeeper without opposition. Rev. Joel M. Wood, member from Forney county, seems to have acted as chaplain of the house for the first week of the session, although Rev. W. D. Gage[3] of Nebraska City had been formally elected to this office. The council took no action for the selection of a chaplain until the fifth day of the session when, by resolution, the president was authorized to invite Rev. William Hamilton, of the Otoe and Omaha mission, to act in that office. It does not appear, however, that "Father" Hamilton ever served as chaplain, but the record shows

in the board of supervisors a number of successive terms. In September, 1854, he moved to Omaha, and the following month settled in Burt county, being one of the first permanent settlers in Tekamah, and one of the original town site proprietors. He was also a member of the Town and Ferry company at Decatur. He engaged in farming and stock raising, and with his brother erected a steam saw mill at Arizonia, Burt county, which was the first mill built north of Omaha. Mr. Folsom was elected a member, from Burt county, of the council in the 1st and 2d territorial assemblies, and was chosen president of that body at the second session. He was appointed the first probate judge of Burt county, and in 1861 was again a member of the legislative assembly. He was married November 14, 1831, to Miss Mary Rathbone, of Onondaga county, New York, and seven children were born to them. Three died in Wyoming county, New York. A daughter, fifteen years old, died at Tekamah, in 1856; Helen married C. E. Ferris, and resides in Los Angeles, California; Niles Rathbone was door-keeper of the first legislative council, and now (1904) resides in Santa Monica, California; and Benjamin, former consul at Sheffield, England, now resides at Pasadena, California. Mrs. Folsom died in Los Angeles, California, January 6, 1901, at the age of eighty-seven years and four months.

"Mr. Folsom was a short, sturdy, compact man with a square head on his shoulders that was supported by a neck that was too short to lift it up so as to increase the height much. He was of light complexion, with blue eyes that had a light touch of gray. His face was round, the jaws indicating pluck and a combative tendency, which, in fact, he frequently displayed when controversy or serious opposition affected or antagonized either his nerve, or his interests in the council. But he was generally kind and seldom in dispute. No man in the body was quicker to see a point of vantage, and he always knew exactly what he wanted. He always stood by Omaha in the struggles and combats on the main question of the relocation of the capital, and Mr. Folsom was always in evidence when necessary. As a debater, his speech and gestures were hesitating and awkward. . . . But he knew what he wanted to say and said it. Like at least a few more, the 'gentleman from Burt' was never annoyed by visits from what he facetiously called 'my constituents' when he addressed the 'honorable body' of which he was a member. The reason was that when he took his seat in the council the present populous, prosperous and rich county of Burt did not contain a single inhabitant. . . . . Mr. Folsom belonged to the family whose name became familiar to the people of the country by the marriage of the daughter of his brother's son to President Grover Cleveland. John B. Folsom was that brother, and his home was in Attica, New York. The death of his son when his child, Frances, the wife of Mr. Cleveland, was a little girl, caused her to spend her girlhood with her grandfather in Attica. B. R. Folsom's son, who bears his father's name, is the man who has been widely known as 'Cousin Ben.' He was born in Bennington, Wyoming County, New York, in 1847."—(George L. Miller.)

[1] General John B. Robertson, member of the house of representatives of the 1st territorial assembly, from Washington county, was born about 1798, being the oldest member of the lower house, as was O. D. Richardson of the council. Previous to his election he is believed to have been government farmer to the Omaha Indians. He was one of the incorporators of the town of De Soto. As a member of the assembly he was chairman of the house committee on military affairs, and was quite active. He was a candidate for speaker, in opposition to Andrew J. Hanscom, receiving seven votes. General Robertson was appointed by Acting Governor Cuming as quartermaster of the 1st regiment territorial militia, in 1855, but no further account of his career can be obtained.

[2] Isaac L. Gibbs, sergeant-at-arms in the lower house of the 1st territorial assembly, was a native of Ohio and was born in 1824. Little is known of his early life, but he came to Nebraska when a young man and was one of the first settlers of Nebraska City. He was appointed sergeant-at-arms in the 1st territorial assembly and was elected by the second session of the territorial assembly as chief clerk of the lower house. He was elected a member of the house in the third session, and chosen speaker by acclamation. He was a member of the city council of Nebraska City, in 1857. Nothing further can be found regarding his life in Nebraska. He moved to Idaho and in 1867 was appointed governor of that territory during a temporary suspension of Governor Ballard, but his commission was revoked before he had performed any of the duties of the office. He suffered financial reverses and died soon after.

[3] William D. Gage, chaplain of the 1st territorial assembly of Nebraska, was born in Pennsylvania, December 5, 1803. He was an orphan at the age of six years. He learned the shoe-making trade, at which he worked until he was twenty-one years of age, and then became a Methodist minister, remaining in active service until 1856. He settled at Nebraska City in 1853 and became the first Methodist pastor in Nebraska; was chaplain of lower house of the 1st territorial assembly, and served the council in like capacity for a time. He was treasurer of Otoe county, 1855–56, and county commissioner of Cass county in 1857. During his ministerial service he was a member of the New York, Illinois, Arkansas, Kansas, and Nebraska conferences. He married Miss Sarah Schoonmaker at Flatbush, New York, on New Year's day, 1832, and seven children were born to them. He died at the residence of his daughter, Mrs. Bailey, at Weeping Water, Nebraska, November 20, 1885. Another daughter, Mrs. J. W. Barnes, resides in Tecumseh, Nebraska.

that Mr. Gage actually served a part of the time in the council and also in the house.

A determined fight was at once begun by the anti-Omaha members in favor of contestants against those who had received certificates of election from the governor. Archie Handley of Forney county contested the seat of Wood, Benjamin Winchester[1] of Washington contested against Arnold, and J. Sterling Morton and Stephen Decatur of Bellevue against A. J. Poppleton and William Clancy of Omaha.

On the 17th, Decker of Pierce offered a resolution for the appointment of a committee of three "to examine the certificates of members of the house, and to investigate the claims of those contesting seats," which was rejected. On the 24th Mr. Poppleton moved to amend rule 53, which was similar to Decker's resolution, so as to restrict the duty of the committee on privileges and elections "to examine and report upon the certificates of election of the members returned to serve in this house." The opposition exhausted all their parliamentary resources against the passage of the rule, but it was finally adopted by a vote of 13 to 12. This was an approximate division of the Omaha and anti-Omaha forces on the capital question. It is interesting to note that this violent measure was supported by the same members, who, with the addition of Robertson of Burt, two days later, passed the bill locating the capital at Omaha.[2] The *Palladium*[3] sounds this note of disgust and despair:

"Governor Cuming's appointees having the majority and being reluctant to have their claims investigated, yesterday they made it a rule of the House that Cuming's certificates were the only evidence which had a right to come before the House in the matter!!! And this in Nebraska, and enacted by the very men who are so loud in their praises of *popular sovereignty!* Oh! Shame! where is thy blush?"

NILES RATHBONE FOLSOM
SANTA MONICA, CALIFORNIA, DOORKEEPER 1ST TERRITORIAL COUNCIL

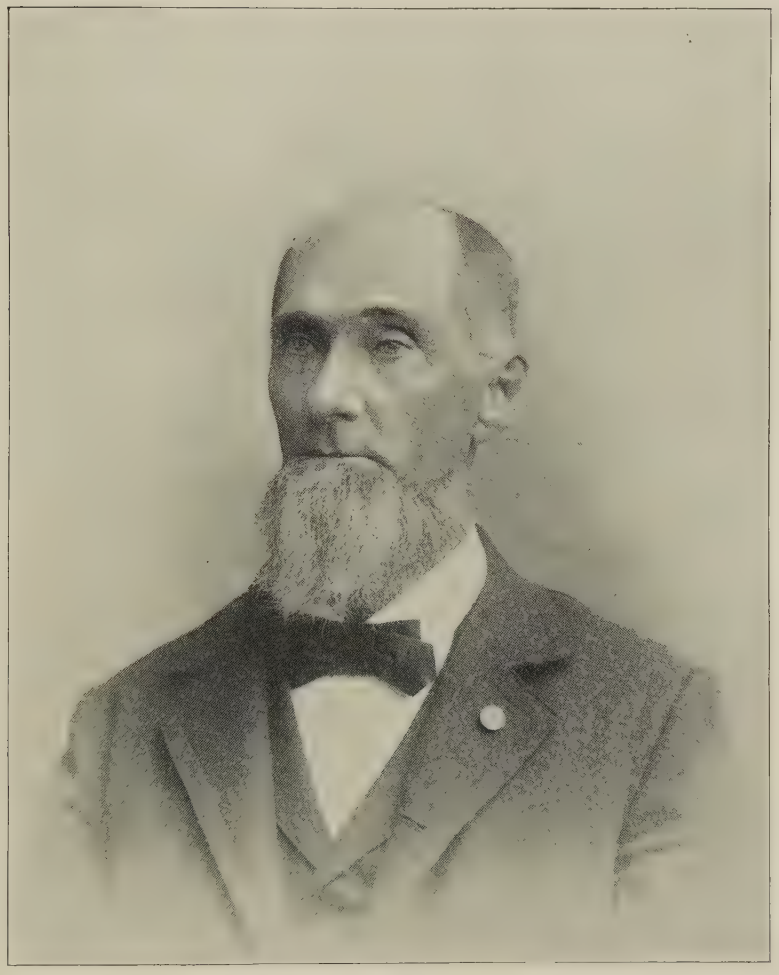
Poppleton and Richardson of Douglas and Latham and Thompson of Cass argued that under the organic law the possession of the governor's certificate was conclusive, and that there could be no appeal or contest but to him. Decker of Pierce, Wood of Forney, and Doyle of Dodge insisted that the well-settled principle that legislative bodies have the right to pass upon the qualifications of their members applied to this case. The *Palladium* admits that "Poppleton, the mover, closed the debate in a tolerably able vindication of the amendment." Even then Poppleton must have been a tolerably good jurist; and he must have laughed in his sleeve as his defense of his novel doctrine rolled out in plausible phrase and with unctuous smoothness.

Nebraska, we believe, is unique in the discovery and application of this principle of

[1] Benjamin Winchester was a brickmaker who arrived at Kanesville (Council Bluffs), May 17, 1854. He entered into a contract with the Council Bluffs & Nebraska Ferry company to furnish the brick for the first capitol building, and established the first brick-yard in Omaha, near what is now the corner of 14th and Jones streets. While Mr. Winchester made the first brick in Omaha, he failed to carry out his contract with the Ferry company, which bought his plant, but later had to obtain most of their brick for the capitol building from Kanesville, whence they were hauled by Harrison Johnson.

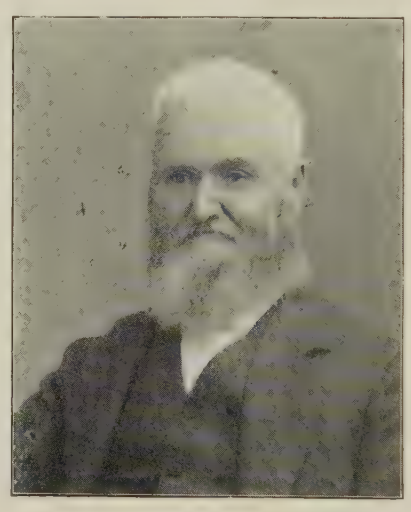
[2] House Journal, pp. 20, 26.

[3] January 31, 1855.



Jacob. King

parliamentary procedure. The provision of the organic act bearing upon this question is as follows: "The person having the highest number of legal votes in each of said council districts for members of the council"—or the house, as the case may be—"shall be declared by the governor to be duly elected;" and this wording is found substantially in the organic acts of all the northwestern territories. We find a like lack of restraint in the organization of the first legislatures of other territories, though under the usual parliamentary rule. The first legislature of Kansas, at the first, arbitrarily unseated nine free-soil members who held certificates, and because they were free-soilers, the other two having resigned partly through disgust and partly through the "moral suasion" of the pro slavery members."[1] In Wisconsin the first house unseated a certificated member[2] and seated the contestant, according to the general, but against the Nebraska parliamentary principle; and the first house of Indiana, whose first act was to consider the qualifications of its members, arbitrarily unseated the regular member from St. Clair county.[3]



BENJAMIN B. THOMPSON[6]
DOORKEEPER, 1ST TERRITORIAL HOUSE OF REPRESENTATIVES

The blindness of the presiding genius of the *Palladium* to the palpable inevitability of the sacrifice of Bellevue by a majority deviously procured, and his simple optimistic hope that some way ideal justice might hold sway in such an atmosphere of lawless might is half pathetic and half tragical:

"The people of this district have been disfranchised by an act of arbitrary power, and they intend to be heard upon the question whether this right is to be restored, whether they are to take the place of freemen or sink into a state of vassalage and slavery. We are satisfied that a great deal of fraud and injustice has been committed in the organization that has taken place, and that if 'Righteousness was laid to the line and judgment to the plummet' there would be but little left of the foundation which has been established."[4]

On the first day of the session it appears that two of the contestants from Bellevue, J. Sterling Morton and Stephen Decatur, were admitted into the house and participated in the discussion about Cuming's credentials or certificates;[5] and from what we of the present know of Morton we may be sure that the discussion was not lacking in aggressive vigor. The sardonic answer of the report of the committee on privileges and elections to the editor's hope and prayer for righteousness was that "Mr. Decatur advanced his claim on the ground that Douglas county is separate and distinct from Omaha, and that he is the

[1] Spring, Kansas, p. 55.
[2] Strong, History of Wisconsin Territory, p. 223.
[3] Dunn, Indiana, p. 325.
[4] Nebraska *Palladium*, January 17, 1855.
[5] Nebraska *Palladium*, January 17, 1855.
[6] Benjamin Baker Thompson, doorkeeper of the lower house in the 1st territorial assembly of Nebraska, was born in Calloway county, Missouri, February 5, 1834, and was the oldest son of Joseph D. N. Thompson, member of the lower house of the 1st territorial assembly, and Martha (Baker) Thompson. He came to Nebraska with his parents, in 1854, and settled in Kanosha, now Rock Bluff, Cass county. The following year he enlisted under General Thayer to defend the settlers against the Indians, and while doing picket duty was accidentally shot, receiving an ugly wound in his shoulder, which ultimately caused his death. After receiving the wound he was taken to Brownville, where his father had removed, and upon his recovery he was appointed deputy sheriff. He was married in February, 1858, to Elizabeth Thompson, who had recently come from England. On November 20, 1861, he enlisted in the service of the United States, and was mustered in as a private in company G, 2d Kansas cavalry. On January 7, 1862, he was promoted to the office of sergeant, and in March he was assigned by the president to the office of first lieutenant of company G, 11th U. S. colored troops. He served until the 111th, 112th, and 113th U. S. infantry were consolidated, whereupon he became a supernumerary, and as such was honorably discharged, April 1st, 1865. At the close of the war he moved to Argenta, Arkansas, where he remained two years, then returned to Brownville, where he lived until his death, December 1, 1887. He was a prominent member of the G. A. R. of Nebraska, the Ben Thompson Post being named in his honor. He was survived by a wife and three children. Mrs. Thompson still resides in Brownville, and one son, John C. Thompson, now (1904) resides in Omaha.

representative from Douglas county, having received a greater number of votes in that county than Mr. Poppleton;" BUT *"Mr. Poppleton in defense produced a certificate from the governor of Nebraska* declaring him duly elected a representative from Douglas county."

It did not matter that the conclusion of the committee violated immemorial parliamentary usage and renounced all spirit of fairness; it was backed by a majority as resolute as it was oblivious of any such nice considerations. The finding was brief and to the point, as it could afford to be:

"After considering the evidence of each party your committee are of the opinion that A. J. Poppleton is entitled to a seat in this House *according to the organic law and rules adopted by this House.*"[1]

Of the five members of the committee four had voted for the obnoxious rule, and afterward consistently voted to locate the capital at Omaha.[2] It is a barren formality to add that every member to whom Governor Cumming had given his certificate held his seat. This was the beginning of the end of the most important act of the 1st legislature.

ORIGEN D. RICHARDSON[3]
OLDEST MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

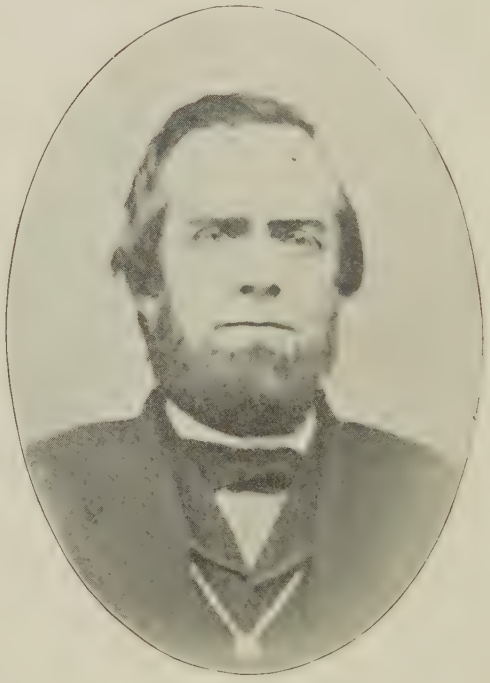
The council or upper house, the equivalent of a state senate, contained some men of remarkably good intellect, and several of previous experience in legislative bodies. Colonel Joseph L. Sharp, nominally of Richardson county, who was elected president of the council over his bitter political and personal rival, James C. Mitchell of Florence, had formerly been a member of the legislature of Illinois and also of the legislature of Iowa. He was a disciplined and ready parliamentarian. He knew, and could apply with quick decision, the rules governing deliberative bodies. Down to this day no one has presided over the senate, or any other deliberative body of the state, with more skill or dignity. He was a man of italic individuality. His person was angular, and his height six feet three. His hair was abundant and iron gray, and it covered a leonine head. His eye was a bright steel-blue, his chin square, his mouth tight-shut and firm. In the little council chamber where these primitive lawmakers were laying the footings for the walls of the civic edifice since built there was but small space for spectators; but they drifted in from the curious East, now and then, and, standing against the railing which fenced them out from the members, took notes and made whispered obser-

[1] House Journal, 1855, p. 144.

[2] House Journal, pp. 20, 26.

[3] Origen D. Richardson, member of the Council in the first territorial assembly, was born in Woodstock, Vermont, in 1796, and was the oldest member of the assembly. He served as a private in the Vermont volunteers in the War of 1812, and took part in the battle of Plattsburg, New York. He studied law, and was admitted to the bar in 1824, and five years later settled in Michigan where he took an active part in politics and became one of the leading lawyers in the state. He was prominent in Oakland county and in Pontiac, contributing largely toward the first church building of that town. Mr. Richardson served in both branches of the legislature of Michigan when it was a territory and also after it became a state, and from 1844 to 1848 he was lieutenant governor. In 1854 he moved to Omaha and took a leading part in the territorial affairs of Nebraska. He represented Douglas county in the first territorial Council and was chairman of the judiciary committee. He was appointed one of the commissioners to prepare a code of laws, which are the basis of the present laws of Nebraska. The revised statutes of 1867 were prepared by Governor Richardson, Joseph Sharp, and Andrew J. Poppleton, most of the work being done by Mr. Richardson. He died in 1876, and his wife, whose maiden name was Sarah P. Hill, and to whom he had been married fifty years, died about the same time, leaving one son, Lyman Richardson, now (1904) a resident of Baltimore, Maryland; and two daughters, Sarah, who married Z. B. Knight, and now resides in Kirkwood,

vations among themselves upon the proceedings of the council and the demeanor of its president. It was the misfortune of Colonel Sharp to have been fearfully scarred, indented, and pitted with smallpox. That dreadful disease had bleared, glazed over, and destroyed the sight of his left eye, and at the same time had twisted and deeply indented his prominent nose, which looked somewhat awry; so that altogether the victim's facial expression was rather repellant. Right against the lobby rail was the desk and seat of his spiteful and malignant competitor, Jim Mitchell, as he was called. Mitchell was a lithe, slender, small man, about sixty years of age, not more than five feet six inches tall and weighing not more than one hundred and twenty pounds. He was quick of mind, had a hair-trigger temper, and his courage was unquestioned. He had justifiably killed his man at Jackson, Iowa, had been tried and honorably acquitted. Therefore no bully presumed to insult him, though his features were mild, gentle, and pallid as those of a studious orthodox clergyman, and his manners were refined and quiet. His hatred of Sharp was deep and relentless. One day a couple of visitors from "down east" were leaning against the railing by Mitchell's desk, watching President Sharp and listening to his rapid decisions and rulings, and finally one said to the other, in an undertone which reached the alert ear of Mitchell: "That president knows his business. He is able and impartial, quick and correct, but certainly the homeliest man I ever looked at"; and Mitchell, with a cynical smile and tranquil irony, remarked: "Hell! You should have seen him before he was improved by the small-pox." Possibly state senators of this day keep sarcasm in stock sharper and more spontaneous than that, but they seldom exercise it.



ANDREW J. SMITH[1]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

The other lawmaker of experience in the council was Origin D. Richardson of Douglas county. He had served in the Michigan senate and had also been governor of that state. He was a native of Vermont, level-headed, honest, and of sound judgment. More than any other individual, Richardson determined the character and quality of the legislation of that first assembly. As chairman of the permanent committee on the judiciary, in the council, he did an enormous amount of thoughtful, diligent, and efficient labor. He no doubt planned, formed, and shaped more statutes than any other member

Missouri, and Cornelia, the widow of George I. Gilbert, now living in Omaha.

Dr. Miller, in his pen sketches of early legislators, says: "The council was not a strong body. The average ability of its thirteen members was not far from being low. At the head of them in character, intelligence and ability was Origen D. Richardson, a lawyer who for many years was a prominent citizen of Michigan and a friend of General Lewis Cass. Mr. Richardson was a large and portly figure, with a fine intellectual head and face. He had long experience in the legislature of Michigan, and was quite at home as a representative of Douglas county in the council. . . . . Governor Richardson was a kindly and religious man, and his life was pure and upright. He had a keen sense of humor, which he gave frequent play. He was a strong and impressive speaker, forcible and animated when aroused in debate. . . . He lived a long, honorable, and useful life, and his worthy wife passed away nearly at the same time, at a ripe age, and their funerals were held on the same day."

[1] Andrew Jackson Smith, member of the house of representatives, in the 1st territorial assembly of Nebraska, was born in Berks county, Pennsylvania, about 1831, and was of German descent. He went west in 1850 and settled in Keokuk, Iowa, where he remained a short time, and then removed to Kanesville (Council Bluffs). In 1854 he crossed the river with James C. Mitchell and a number of others, and

of either house, not excepting Andrew J. Poppleton, who was the most capable, industrious, and painstaking member of the house committee on judiciary, the superior of any lawyer then in Nebraska, and the peer, perhaps, of any who have since practiced in the courts of this state. In those earlier days Mr. Poppleton was almost passionately fond of public speaking, for which he was well equipped with an unusual share of personal magnetism, reasoning power, and a plausible and persuasive address. He manifested a keen interest in political affairs up to the time of the segregation of his services in the office of the Union Pacific railway company, which was a distinct loss to the commonwealth.

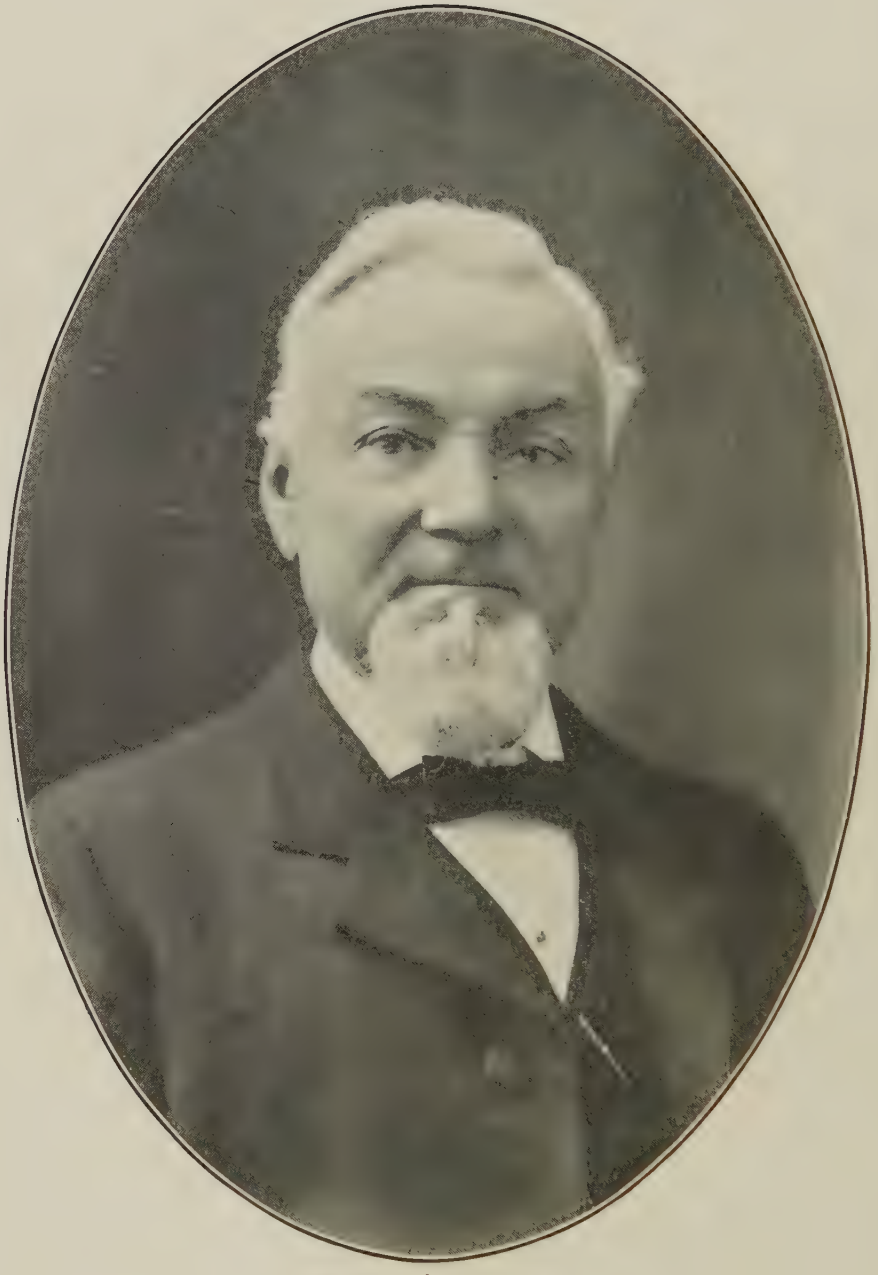
Among the most far-sighted lawmakers of that first council was Dr. M. H. Clark,[1] member from Fontenelle, Dodge county. He was a type of the vigorous frontiersman in form and mind. He was an enthusiast as to the commercial future of Nebraska. As chairman of the committee on corporations he made a report to the council on the 16th of February, 1855,[2] which was a prophecy of remarkable accuracy, and which has been completely verified.[3]

settled at "Winter Quarters." They changed the name of the settlement to Florence and endeavored to boom that place, making strenuous efforts to secure the location of the capital there. In 1855 he was elected to represent Washington county in the lower house of the 1st territorial assembly of Nebraska. He had a controlling interest in the Steam Ferry-boat company at Florence and was captain of the boat, and was also engaged in the mercantile business at that place. Mr. Smith remained in Florence until 1858, when he went farther west and was among the first to mine gold in Cherry Creek, Colorado. He was instrumental in locating the city of Denver in 1858. A mass meeting was held to organize Arapahoe county, and Mr. Smith was chosen to represent its interests before the Kansas legislature. He was not admitted to the legislative body, but was successful in his mission, Governor Denver appointing county commissioners for the county, without waiting for the action of the legislature. This was done in order that the army of miners in that vicinity might have the protection of the law. Mr. Smith returned to Council Bluffs in 1862, but the same year started for the Salmon river mines by way of Denver, going to Bannock City, the first capital of Montana territory, and engaging in the mining business. Later he was appointed agent for the Bannock Indians. Montana territory profited by the legislative experience of Mr. Smith in Nebraska, for he became a member of the lower house of the 1st territorial assembly of Montana, May 26, 1864, and served through the second and third sessions, serving as speaker pro tem. in the latter session, until 1867. In 1869 he was again elected from Beaverhead county to the lower house of the territorial assembly. He was commissioned as surveyor-general of Montana, December 23, 1873. He spent the winter of 1865 in Washington with his family, but returned to Bannock City the following year. Mr. Smith had a drug store in that city and resided there until his death, which occurred about 1876. He was married in 1854, at Council Bluffs, Iowa, to Miss Ellen R., sister of R. D. Amy, still a resident of that city. Two sons are now living, Albert Smith, a dentist in Los Angeles, California, and George L. Smith, of Albuquerque, N. M.

[1] Dr. Munson Henry Clark, member of the Council of the 1st territorial assembly of Nebraska, is supposed to have been a native of New York, but had been a resident of Ohio, whence he emigrated to Andrew, Jackson county, Iowa, in 1842. He was born in 1811, but of his early life little is known except that medicine was his profession and he established a successful practice in Andrew. He was of a restless disposition, however, inclined to be both a speculator and a politician. In 1842 he founded the Jackson county (Iowa) *Democrat*, the first paper published in that county, and which he continued to edit until 1848. About 1849 he went to Missouri, and, in 1850, forming a partnership with a Mr. Wheeler, he obtained a license to run a ferry at Traders Point, the North Platte crossing for the Mormon and California emigration. They owned this ferry until 1853 and also maintained a ferry on the Elkhorn. At the informal election held at Bellevue, in 1853, by citizens of Council Bluffs and vicinity, Dr. Clark received 295 votes for provisional secretary of the proposed territory of Nebraska. He was one of the founders of the town of Fontenelle and was elected to represent Dodge county in the 1st territorial assembly. The voting precinct was established in Dr. Clark's house, and he received all of the eight votes cast. The family of Dr. Clark remained in Jackson county, Iowa, until 1854, when they removed to St. Mary, Iowa. They never lived in the territory of Nebraska, and their stay in St. Mary was of short duration. Two months after the adjournment of the first session of the council Dr. Clark died of pneumonia, April 16, 1855, after an illness of a week. Dr. George L. Miller says of him: "Dr. Clark was an educated, polished, and mild mannered man, whose frontier garb did not conceal the evidences of good breeding and a cultivated mind. He was a man of marked reserve. He seldom took any part in the debates of the council, but when he did so his speech was conversational in tone and manner, without the least indication of temper or resentment. He was rather stout and robust in appearance. His face was full and broad, and his head inclined to baldness. He was a gentleman and a well-read physician, but he lacked aggressive force of character. He was a careful and painstaking legislator, and of a kindly disposition. He had a good face and a fine hand, the latter as soft and delicate as a woman's. He did not make a deep impression on Nebraska's early life." Upon the announcement of the death of Dr. Clark, the council adopted the following resolution: "Resolved, That as a testimony of respect to the memory of M. H. Clark, deceased, late a member of this body from Dodge county, the members of the Council will go into mourning by wearing crape on the left arm during the present session"; and on motion, "the Council adjourned until Wednesday morning in testimony of respect to the memory of the deceased." (Council Journal, p. 29.) Dr. Clark's family returned to Ohio after his death, and little is known of their later life. One son, Lee, was killed by a kick from a horse when a small boy, and Albert V. Halla Clark, another son, enlisted in the Union army.

[2] Council Journal, 1st Sess., p. 65.

[3] These personal sketches are reminiscences of the late J. Sterling Morton.



Regina Keeney

The report in its advocacy of the chartering of a transcontinental railroad forecasts the future of such a road, and in concluding declares that if it could be built,

"The millions of Europe would be brought in contact with the hundreds of millions of Asia, and their line for quick transit would be, to a great extent, across our continent. Their mails, their ministers, their most costly and interesting travel and trade, would take this route, and augment our business and multiply our resources. In view of the comparative cost, to the wonderful changes that will result, your committee can not believe the period remote when this work will be accomplished; and with liberal encouragement to capital, which your committee are disposed to grant, it is their belief that before fifteen years have transpired the route to India will be opened, and the way across this continent will be the *common way* of the world. Entertaining these views, your committee report the bill for the Platte Valley and Pacific Railroad, feeling assured that it will become not only a basis for branches within Nebraska, but for surrounding states and territories."[1]

The report begins with this sentence: "It is generally conceded that the portion of the territory of Nebraska which will first seek organization as a state is that which lies between the parallels of 40 degrees and 43 degrees, extending west to the Rocky mountains."

That this discerning pioneer should thus have foretold the future northern and southern boundaries of the state is more significant than remarkable for prescience when we consider that it is simply a reflection of the original Iowa idea. This was the original and persistently proposed northern boundary for the territory until, at the last moment, all that remained of the unorganized part of the purchase was included. It was the boundary in the bills introduced by Douglas in 1844 and 1848, and of the bill of the Iowa senator (Dodge) in 1853—the bill which, as amended, was finally passed—and the 40th parallel was the southern boundary in the bill of 1848. This boundary had been fixed by the united desire or judgment of the bordering promoters of organization, and in accordance with the reasons given by the Iowa statesman already freely quoted. This forecast indicates that Mr. Clark was, to some extent, familiar with what had gone before; and his judgment as to the desirable and probable location of the coming state was confirmed by its projectors.

That report, written and published before civil government in Nebraska was six months old, and when most of the people of the United States who had thought about the subject at all believed that the construction of a railroad from the Missouri river across the plains and through the Rocky mountains to the Pacific coast was an impossibility, is a notable piece of economic and industrial faith, if not of foresight.

Acting Governor Cuming delivered the first executive message to a joint meeting of the two houses in the chamber of the house of representatives at three o'clock in the afternoon of the first day's session.[2] As might be expected of a man so able and of such positive parts, the message was comprehensive and well composed, and for the greater part direct, concise, and incisive; and as might be expected in one so young—he was only twenty-six—it not only had the unnecessary and at least now quite unusual appendage of a peroration, but this peroration was grandiloquent indeed. When it is considered that no other executive message since delivered in this commonwealth, except that of the ripe statesman, Governor Richardson, equals this first one—the composition of an inexperienced boy—in point of saying what should be said and saying it well, we readily overlook the final efflorescence.

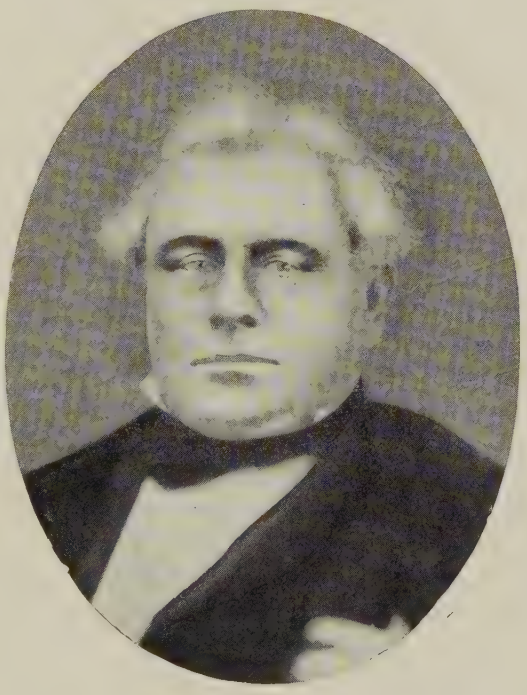
[1] The following recent statement by the New York *Tribune* is one of many illustrations of the fact that Benton's famous prophecy was really stale when it was uttered:

"The Commercial Club of Kansas City has asked the Missouri legislature to appropriate $20,000 for a statue of Thomas H. Benton, to be erected in Kansas City, as near as possible to the spot where Benton made his famous prophecy, in 1856, that this continent would be bound together by bands of iron, and that our products would be carried to feed the innumerable millions of the Orient. Pointing with outstretched hand toward the setting sun, he said: 'There is the East; there is the road to India.'"

But Benton is credited with uttering a similar prophecy as early as 1844.

[2] Records Nebraska Territory, p. 40.

The temporary governor bespeaks for the expected permanent executive, Governor Izard, the blending of "a dignified disinterestedness with an appreciated efficiency . . . well befitting the chief magistrate of the largest commonwealth of freemen within the limits of the Union or the world." Our appreciation of the unerring western apotheosis of mere size is heightened by the reflection that this physically greatest of all the territories, past or present, was the least of all in population. It is significant that the first recommendation of this first Nebraska message was in favor of a memorial to Congress in behalf of the construction of the Pacific railway up the valley of the Platte. The governor suggested that the legislature in its memorial should "urgently if not principally ask" for a preliminary provision for telegraphic and letter mail communication with the Pacific, and that for its protection parties of twenty dragoons should be stationed at stockades twenty or thirty miles apart. Councilman Clark's committee report in favor of a Pacific railway and by the Platte route was an elaboration of the governor's recommendation. The legislature was reminded that in the enactment of a code of laws and the establishment of public institutions it had the benefit of an ample fund of experience treasured by neighboring states. The recommendation of the enactment of general incorporation laws was wise but unheeded. The governor also recommended that volunteer military companies be organized for protection against the Sioux, Ponca, and other Indians.



ANSELUM ARNOLD[1]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

Mr. Izard, United States marshal, who had been in Washington, we may believe with an eye to promotion to the governorship, returned to Omaha on the 20th of February, and his arrival was formally announced to the two houses of the legislature by Secretary Cuming on that day, and on the same day the secretary presented him to a joint meeting of the houses, when he delivered a passable speech, as governor's speeches go, and which might be excused for its lack of much else by its plethora of reference to "sovereigns," "the principles of popular sovereignty," and "the sovereignty of the people."

The new governor had taken the oath of office December 23, 1854, in the city of Washington, before Judge John A. Campbell, asso-

[1] Anselum Arnold, member of the 1st territorial assembly of Nebraska, was born in Rutland county, Vermont, in 1809. He was a son of Rice and Julia Arnold, who were natives of Vermont. The Arnold family emigrated from Wales in an early day and became active in colonial affairs. Anselum Arnold was a cousin of Benedict Arnold, and a second cousin of Stephen Arnold Douglas, the father of Nebraska territory, with whom he was very intimate. His education was confined to the common schools of his native county, and in his youth he moved with his parents to Chautauqua county, New York. Later he became a resident of Branch county, Michigan, and was sheriff of that county for a number of years. He came to Council Bluffs in December, 1853, and remained there until the following spring, when he crossed the river and became a resident of Nebraska territory, March 12, 1854. He preempted land at Ft. Calhoun, built a cabin there, and in 1855 was elected a member of the lower house of the 1st territorial assembly to represent Washington county. Mr. Arnold was an active politician and did much toward the organization of the new territory. He was in Washington during the debates on the Kansas-Nebraska bill and worked vigorously for its passage. In 1856 he was appointed Indian agent for the Shawnees and Wyandots and moved to Westport, Missouri, where he remained until his death, in August, 1858. Mr. Arnold was twice married. His first wife was Julia N. Huite by whom he had three children, Alonzo and Mary, deceased; and Rice, now a resident of Blair, Nebraska. Mrs. Arnold died in 1838, and a few years later he was

ciate justice of the Supreme Court of the United States. He resided at Mt. Vernon, St. Francis county, Arkansas, and his appointment was due to the influence of Senator Sebastian of that state. The Helena (Arkansas) *Star* in noticing his appointment admitted that he was "not endowed with shining talents," and the governor's Nebraska contemporaries still living are not heard to dissent from the admission. He was doubtless a fair sample of the overplus of the mass of aspirants for place with which southern dispensers of patronage must have been infested, and for whom, in the emergency, such long-distance provision must be made. Since Secretary Cuming, a quasi-resident, was himself an aspirant for the office in question, we may presume that his sympathetic reference—in introducing his successful rival to the legislature—to the carpetbagger's "long and toilsome journey" in reaching Nebraska was not innocent of malicious irony. Izard was scarcely competent to properly perform the duties of his office. His short career gave evidence of this, no less than the implied admission of his friends when they said he "meant well."

MARK W. IZARD[1]
FIRST U. S. MARSHAL AND SECOND GOVERNOR OF NEBRASKA TERRITORY

Governor Izard was not inclined to miss a chance to distinguish himself as a maker of state papers, so he gave himself the benefit of the doubt whether a second message was called for, and delivered one to the two houses February 27. He had discovered his lack of discretion and sense of propriety in his address of the 20th by saying that "in the discharge of my official duties as your chief executive I shall endeavor to carry out the wishes of the national administration." In his message to the all but sovereign legislature he betrayed his ignorance of the limitations of the province of the executive by expressing regret that he was not "sufficiently familiar with the progress already made to indicate a course of policy for the government of your future action." He recommended in the message the adoption of the code of Iowa for temporary purposes, "as a large portion of our citizens at present are

married to Jennette Foster, who died in Blair, Nebraska, in 1875. Three children were born of the second marriage, all of whom now reside in Oregon; Elizabeth, wife of J. P. Clark, La Grande, Oregon; Emma, wife of John Pease, Portland; and William, who resides near Portland.

[1] Mark W. Izard, second governor of Nebraska territory, February 20, 1855, to October 25, 1857, was born in Lexington, Kentucky, December 25, 1799, and died in August, 1866, at his home in St. Francis county, Arkansas. When quite a boy his father removed from Lexington to Huntsville, Alabama, where

from that state, and are more or less familiar with its system";[1] that provision be made for all local officers to be elected by the people; that the interest of settlers on lands they had occupied, not yet surveyed under the act of Congress of July 22, 1854, be treated as taxable property; and he followed Acting Governor Cuming in wisely urging general instead of special legislation as far as possible.

These first legislators were true to their type in that practical politics was their first care, and house file No. 1, offered January 18, by Robertson of Burt county, was a joint resolution as follows:

"Resolved, That we herewith endorse the principles enunciated in the bill organizing the territories of Kansas and Nebraska; that we rejoice that the geographical line between the northern and southern states has been erased, leaving the people of every state and territory free to control their domestic institutions; and that we commend the firm and patriotic course of the men, without distinction of party, who have aided in establishing the sound constitutional principles of the compromise of 1850, and

"Resolved, furthermore, that we pledge ourselves to oppose any unfair discriminations, such as those of the late Missouri compromise, but to protect and defend the rights of the states and the union of states, and to advance and perpetuate the doctrine of popular sovereignty."[2]

On the 23d of January Mr. Rogers of Douglas county offered in the council a more concise resolution of a like purport, but especially thanking Douglas and Richardson for maintaining the principles of popular sovereignty; but this gave way to the house resolution.[3] On the 30th Mr. Bradford of Pierce county, from the select committee to which the house resolutions had been referred, made a minority report condemning in strong language the repeal of the Missouri compromise and the acts of the principals in procuring it, and opposing the passage of the resolutions.[4] On the 24th of January they had passed the house on motion of Mr. Poppleton, by a vote of 21 to 4, the four nays being Davis of Douglas, Kempton and Thompson of Cass, and Purple of Burt.[5] On the 1st of February, on motion of Mr. Rogers, they passed the council by a vote of 9 to 4, the nays being Bennet, Bradford, and Cowles of Pierce, and Mitchell of Washington.[6]

The momentous contest of the session was opened by the introduction of bills for the location of the seat of government—one in the council, January 24, by Richardson of

Mark W. was reared to manhood and given a common school education. When twenty-three years of age he was married to Miss Shackleford, a daughter of George Shackleford, whose family was then one of the most prominent in Charleston, South Carolina. Soon after his marriage, in the year 1824, he moved to the unsettled portion of eastern Arkansas, the country then being mostly inhabited by Indians. White settlers soon began to move in, and Mr. Izard became one of the most prominent men of that section. He was elected a member of the first state senate of Arkansas, representing St. Francis and Green counties; was president of the second and third sessions of the senate; was speaker of the house during the 7th legislature; and was reelected to the senate for the eighth and ninth sessions, his term of office closing January 12, 1853. October 28, 1854, he was appointed United States marshal of Nebraska territory, and February 20, 1855, received the appointment of governor for the territory, serving until his resignation, October 25, 1857. He returned to his home in Arkansas, where he remained until his death, in August, 1866. Mr. T. B. Caldwell, a long-time neighbor of Governor Izard, now a resident of Fredrick, Oklahoma, in a recent letter says: "Mark W. Izard had a good property, and lived an honorable and respected life. He was a slaveowner, but was always kind to, and thoughtful of his slaves." One son, James S., was his father's private secretary and also territorial librarian. Another son, Van B., who, as a boy, was with his father during his stay in Nebraska, now resides in Forrest City, Arkansas, as does also one daughter, Mrs. R. G. Dye. These constitute the only surviving members of Governor Izard's large family. Following are Dr. George L. Miller's personal recollections of Governor Izard: "Mark W. Izard is recalled by me as a prominent citizen of Arkansas, of what might be called the middle class in the days of slavery. I think he was a Baptist preacher at one time, but I am not sure of this. Governor Izard was a man of large and imposing stature. He must have been not less than six feet tall, symmetrical in form, of full flesh, erect carriage, and dignified bearing. His manners were very courteous and affable, and he had a gentle disposition and kind heart. He was a man of strong religious convictions and exemplary habits of life. Governor Izard was much respected by our people. His head was large, his hair, eyes, and complexion dark, and his face full and broad. He was a man of good judgment and experience in affairs, but not as remarkable for intellectual strength as he was for stability of character and ambition to discharge his executive duties in such a way as to best serve the people of the new land."

[1] See table, foot-note 2, p. 214.

[2] House Journal, p. 9.

[3] Council Journal, p. 17.

[4] Ibid., p. 32.

[5] House Journal, p. 18.

[6] Council Journal, p. 38.

Douglas county; and one in the house on the 25th of the same month by Latham of Cass county. A motion by Nuckolls of Cass to insert the words "Plattsmouth, Cass county" in the council bill was carried by a vote of 7 to 6, Bennet, Bradford, and Cowles of Pierce, Brown of Forney, Nuckolls of Cass, Mitchell of Washington, and Sharp of Richardson voting aye—all of the South Platte except Mitchell. All the nays were from the North Platte section.[1] On the 25th a motion by Clark of Dodge county to insert the name of

[1] Council Journal, p. 26.

[2] The following table illustrates with approximate accuracy the relative amount of immigration from each state of the Union and from foreign countries, as well as the nativity of immigrants. It was made by Mr. Jay Amos Barrett, curator and librarian of the Nebraska State Historical Society, from the biographies of 608 individuals who came to Nebraska in the first ten years of the territory, 1854 to 1863, inclusive, and is a part of the research work of that society.

| DIRECT SOURCE | | | | | | | | | | | | NATIVITY | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| '54 | '55 | '56 | '57 | '58 | '59 | '60 | '61 | '62 | '63 | | | '54 | '55 | '56 | '57 | '58 | '59 | '60 | '61 | '62 | '63 |
| 9 | 11 | 33 | 31 | 14 | 7 | 10 | 8 | 5 | 9 | 187 | Iowa | 7 | 1 | ... | 2 | ... | ... | ... | 2 | ... | 2 |
| 2 | 9 | 12 | 4 | 7 | 12 | 10 | 1 | 3 | 7 | 67 | Illinois | 21 | ... | 2 | 4 | 4 | 2 | 1 | 3 | 1 | 2 | 2 |
| 2 | 6 | 19 | 23 | 4 | 1 | 6 | 2 | ... | 1 | 64 | Ohio | 90 | 3 | 13 | 22 | 26 | 8 | 5 | 9 | 1 | ... | 3 |
| 10 | 10 | 12 | 7 | 4 | 6 | 1 | 3 | 2 | 5 | 60 | Missouri | 23 | 3 | 7 | 4 | 3 | 1 | 3 | 1 | ... | 1 | ... |
| 6 | 8 | 19 | 15 | 4 | 3 | 1 | 1 | ... | 1 | 58 | New York | 92 | 5 | 9 | 27 | 17 | 11 | 9 | 6 | 5 | ... | 3 |
| 2 | 3 | 12 | 9 | 3 | 2 | ... | 4 | 2 | 2 | 39 | Indiana | 49 | 1 | 3 | 11 | 11 | 5 | 7 | 2 | 2 | 3 | 4 |
| 1 | 6 | 10 | 9 | 2 | 4 | 1 | 2 | 1 | ... | 36 | Pennsylvania | 64 | 1 | 6 | 19 | 20 | 3 | 5 | 5 | 4 | 1 | ... |
| ... | 2 | 3 | 4 | 6 | 9 | 4 | 2 | ... | 2 | 32 | Wisconsin | 3 | ... | ... | ... | 1 | ... | 1 | 1 | ... | ... | ... |
| 1 | 4 | 5 | 2 | 2 | 1 | ... | 1 | ... | 2 | 18 | Michigan | 7 | ... | 4 | ... | ... | 2 | ... | ... | ... | ... | 1 |
| ... | ... | 3 | 3 | ... | 2 | 3 | ... | ... | 2 | 13 | Kansas | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | 2 | 5 | 2 | ... | ... | ... | ... | ... | 9 | Massachusetts | 6 | ... | ... | 2 | ... | 2 | ... | ... | 1 | ... | 1 |
| 1 | 1 | 2 | 2 | ... | ... | ... | ... | ... | 2 | 8 | Virginia | 16 | 2 | 2 | 4 | 6 | ... | ... | ... | ... | ... | 2 |
| ... | 2 | 2 | ... | 1 | 1 | ... | ... | ... | ... | 6 | California | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | 1 | 2 | 2 | ... | ... | ... | ... | ... | ... | 5 | Connecticut | 9 | 1 | 1 | 1 | 3 | ... | 1 | ... | 1 | 1 | ... |
| 1 | ... | 1 | 1 | 2 | ... | ... | ... | ... | ... | 5 | Vermont | 4 | 1 | ... | ... | ... | 2 | ... | ... | ... | ... | 1 |
| ... | ... | ... | ... | ... | ... | 1 | 2 | 1 | ... | 4 | Colorado | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | 1 | 2 | ... | 1 | ... | ... | ... | ... | 4 | Kentucky | 22 | 5 | 5 | ... | 4 | ... | 2 | 2 | 2 | ... | 2 |
| ... | 3 | ... | ... | ... | ... | ... | ... | ... | 1 | 4 | Tennessee | 10 | 2 | 3 | 2 | ... | 1 | ... | ... | ... | ... | 2 |
| ... | ... | 3 | ... | ... | ... | ... | ... | ... | ... | 3 | Utah | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | 2 | ... | 1 | ... | ... | ... | 3 | Minnesota | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| 1 | ... | ... | 1 | 1 | ... | ... | ... | ... | ... | 3 | West Virginia | 7 | 1 | ... | 1 | 3 | ... | 1 | ... | ... | ... | 1 |
| ... | 2 | ... | ... | ... | ... | ... | ... | ... | ... | 2 | Maryland | 5 | 1 | 1 | 2 | ... | ... | ... | ... | 1 | ... | ... |
| 2 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 2 | Alabama | 1 | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | Arkansas | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | 1 | Louisiana | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | 1 | ... | ... | ... | 1 | Maine | 8 | ... | ... | ... | 1 | ... | 3 | 2 | 1 | ... | 1 |
| ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | New Hampshire | 8 | ... | 1 | 2 | 4 | ... | 1 | ... | ... | ... | ... |
| ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | 1 | South Carolina | 1 | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... |
| ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | Georgia | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | 1 | Mississippi | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | 1 | New Mexico | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Rhode Island | 3 | ... | 1 | 1 | ... | 1 | ... | ... | ... | ... | ... |
| ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | 1 | Delaware | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | North Carolina | 4 | 4 | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | New Jersey | 2 | ... | 1 | ... | ... | ... | 1 | ... | ... | ... | ... |
| 28 | 68 | 145 | 121 | 56 | 49 | 39 | 27 | 14 | 34 | 591 | | 463 | 32 | 59 | 104 | 103 | 39 | 40 | 31 | 21 | 8 | 26 |
| ... | 1 | 1 | 1 | 2 | ... | ... | 2 | ... | 2 | 9 | Germany | 69 | 1 | 4 | 16 | 10 | 13 | 7 | 6 | 6 | ... | 6 |
| ... | ... | ... | ... | ... | 3 | ... | ... | 1 | ... | 4 | Canada | 13 | ... | 2 | 3 | 1 | ... | 4 | 1 | 1 | 1 | ... |
| ... | 1 | 1 | ... | ... | ... | ... | ... | ... | ... | 2 | England | 24 | 2 | 5 | 6 | 6 | 1 | 1 | ... | 1 | 1 | 1 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Norway | 3 | ... | 1 | 2 | ... | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Switzerland | 1 | ... | ... | ... | ... | 1 | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | 1 | ... | ... | 1 | Ireland | 18 | ... | 1 | 3 | 6 | ... | 1 | ... | 1 | 3 | 3 |
| ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | 1 | Denmark | 1 | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Italy | 1 | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Scotand | 7 | ... | 1 | 1 | 1 | 1 | ... | 1 | ... | 2 | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | France | 3 | 2 | ... | ... | 1 | ... | ... | ... | ... | ... | ... |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | Wales | 3 | ... | ... | ... | ... | 1 | 1 | ... | ... | ... | 1 |
| 38 | 70 | 147 | 123 | 58 | 52 | 39 | 30 | 15 | 36 | 608 | | 606 | 37 | 73 | 135 | 129 | 56 | 54 | 39 | 30 | 15 | 38 |

Bellevue was lost, 4 to 9. Richardson, the general of the Omaha forces, then began dilatory tactics and procured a reference of the bill to the committee on public buildings by a vote of 8 to 5.[1] On the 29th, on motion of Richardson, the house bill, which had passed that body on the 26th, was taken up, and, after Mitchell had moved to insert Plattsmouth, Richardson procured its reference to the committee of the whole as a substitute by a vote of 7 to 6, and then secured postponement for two days.[2] In the meantime Mitchell had seen a sign. The next day Richardson moved to reconsider the postponement for two days, and Mitchell voting with him for the first time, the motion was carried by 7 to 6. Mitchell withdrew his amendment to insert Plattsmouth in place of Omaha City, and then moved to amend so as to locate the capital about two and one-half miles north of Omaha; then Richardson gave notice that on some future day he would introduce a resolution making Mitchell "sole commissioner to locate the capitol buildings"[3] and Mitchell withdrew his last amendment. Richardson's task was now easy, and, in spite of Bennet's dilatory motions, the bill was passed by 7 to 6, the same vote which on the 25th had opposed Nuckoll's motion for Plattsmouth, with Mitchell added.

FLEMING DAVIDSON[6]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

On the 25th of January Mr. Latham of Cass county introduced house bill No. 8, to locate the seat of government, which passed its second reading.[4] This bill left blanks for the insertion of the town and county, and Kempton's motion to insert Plattsmouth, Cass county, was lost—12 to 13. Wood's motion to insert Brownville also failed, by a vote of 8 to 17. Mr. Poppleton, general of the Omaha forces in the house, was not ready for battle, but his motion to refer the bill to a select committee of three was laid on the table. Forced to fight, he moved the insertion of Omaha; and, after various motions to postpone, the house adjourned until the afternoon. A vote on Poppleton's motion resulted 12 to 13 against Omaha. All the ayes were from the North Platte and all but one—Smith of Washington—voting nay were of the South Platte.[5] Washington county being a contestant for the capital was naturally against Omaha; but it will be remembered

[1] Council Journal, p. 28.

[2] Ibid., pp. 31, 32.

[3] Ibid., p. 34.

[4] House Journal, p. 22.

[5] Ibid., p. 23.

[6] Fleming Davidson, member of the house of representatives of the 1st territorial assembly of Nebraska, was born near Wheeling, West Virginia, July 27, 1827, and died in Wichita, Kansas, July 6th, 1891. When three years old, his parents removed to Vermilion county, Indiana, where he was educated. His early life was spent upon a farm. He was married June 1, 1854, to Mary A. Brown, of Havana, Illinois, and in September of the same year they started overland to Omaha, where they arrived October 28. In 1855 he represented Douglas county in the lower house of the 1st territorial assembly of Nebraska, in which he served with ability and credit to himself. He was the first to engage in the ice business in Omaha, and was a silent partner in the wholesale and retail firm of Hileman, Blair & Co. In the spring of 1861 he removed with his family to California, where he engaged in farming on a large scale. He remained there until the fall of 1877, when, on account of the climate, which did not agree with him, he moved to Wichita, Kansas, with his family, where he resided until his death. Mr. Davidson led a strictly temperate life and at the time of his death was remarkably well preserved. He possessed a high sense of honor, and had the southern trait of cordial hospitality, which drew about him many loyal friends. He is described by Samuel E. Rogers, of Omaha, as being "a man six feet tall, portly, with a fine, well-developed physique, remarkably social in disposition and quick to make friends." The wives of Mr. Rogers and Mr. Davidson were sisters. Mrs. Davidson, with her youngest daughter, Miss Grace Davidson, resides in Wichita, Kansas. There were born to Mr.

that the committee on privileges and elections had taken care of Arnold in his contest with Benjamin Winchester.

Latham now made another trial for Plattsmouth, losing by a tie vote. The same members who had just voted against Omaha now voted for Plattsmouth, and those who had voted for Omaha, with the speaker added, voted against Plattsmouth. This was Plattsmouth's last chance. It was a distressing case of "so near and yet so far" in both houses. Mr. Poppleton now renewed his motion for Omaha, which was carried by 14 to 11;[1] and on the 26th the bill passed by the same vote.[2] Latham and Kempton of Cass had voted to place the capital beyond the river of which J. Sterling Morton, as late as 1860, in his contest for the annexation of the South Platte section to Kansas, truly said, "It is almost impossible (and thus far has been perfectly so) to either ford, ferry, or bridge this stream."[3] The question, why did these gentlemen from Cass not only vote against their own town and section, and so readily, but also to isolate them from the seat of government and the business metropolis which Omaha was made by their votes, forces upon us its only consistent answer.

LAFAYETTE NUCKOLLS[4]
YOUNGEST MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

The only contemporary comment on this important transaction put in print which, so far as is known, has been preserved, is naturally of sufficient interest to be introduced here. The *Palladium* of January 31 said:

"The question had been brought up in the council, a bill locating the capital at Plattsmouth had been introduced and passed the second reading, and there was every prospect that it would pass the council and become a law. The same question came up in the House, and upon the motion to insert Plattsmouth 12 were for and 13 against it. The second vote resulted in a tie, and according to the rules of the House, lost. At this stage of the proceedings the Cass county delegates wheeled into the Omaha ranks, and voted to insert Omaha in place of Plattsmouth.

" . . . On the motion to insert Plattsmouth Mr. Latham, the bell-wether of that shameless delegation, led off in a flimsy, pointless harangue in favor of that place, asserting that it was the most central, the most widely known, and more likely to have the great Pacific railway run through it than any other place. . . . There was the center of population, the focus of intelligence. .

and Mrs. Davidson eight children: Martha Pauline, born at Omaha, March 2, 1856, and died in California, March 1, 1864; Clementine Elizabeth, born at Omaha, January 12, 1860, married to W. G. Barbour and resides in Santa Barbara, California; she was the first graduate of the Wichita (Kansas) high school; Clara Augusta, deceased, married Leander Melvin; Rogers Fleming, deceased; Minnie E. married Harry N. Helm and resides in Wichita; Arthur I., married Mayme Counsil and resides in San Francisco; Grace lives at the old home in Wichita; Herbert resides in San Francisco.

[1] House Journal, p. 23.

[2] Ibid., p. 26.

[3] Morton's Annexation Memorial, House Journal, 2d Sess., p. 120.

[4] Lafayette Nuckolls, member of the council in the 1st territorial assembly of Nebraska, was born in Grayson county, Virginia, May 18, 1835, and died at Calhoun, Texas, March 26, 1860. He was a son of Ezra and Lucinda Nuckolls, and was educated in his native county. In 1850 he went west to Missouri, and later to Glenwood, Iowa, where he engaged in the mercantile and real estate business. As soon as Nebraska territory was opened for settlement, he crossed the river and established himself in business in Plattsmouth, of which he was a quasi-resident when he was elected a member of the council of the 1st territorial assembly, to represent Cass county. He was a member of the Plattsmouth Town company, organized October 26, 1854. Mr. Nuckolls was nineteen years old at the time of his election to the assembly, and was the youngest member of that body. His seat was

. . . The question to insert Omaha being up all the great reasons why the capital should be located at Plattsmouth vanished into thin air, and Omaha was the place for the capital *par excellence*. 'Like priest, like people.' If the people are like—or anywhere *near it*—the representatives which they have sent to the legislature, they don't deserve the capital.

"We respect the people of Omaha for voting for their own pet place. . . . But what interest have the people of Cass county in locating the capital at Omaha City? What good can it do them? . . . We say that the representatives of Cass county are either traitors to their constituents, or the people of that place are too besotted in ignorance to comprehend their own interests. We say the representatives did not do all they might do to carry the vote for their 'first choice place,' but abandoned it without a struggle No resistance was offered which would do credit to a school boy fifteen years old."

RICHARD BROWN[1]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY AND FOUNDER OF BROWNVILLE, NEBRASKA

When Latham deserted his own county for Omaha Mr. Decker of Nebraska City charged him with having sold himself, and Smith of Washington said that the most disgraceful bribery and corruption had been practiced. Poppleton said that the census returns showed that a majority of the people were north of the Platte, while Decker said, "Everyone knows that the south has the largest number of votes, and will admit, if they are honest men, that the capital ought to be given to them."

In the council Nuckolls and Bennet had charged Sharp with the dereliction which had thrown the victory to Omaha, and even Mitchell had the hardihood to join in their assault. There is little risk in saying that Sharp had at the outset sold himself to the Omaha interests, but his honesty was of too unstable a character to stay bought, and before he received his price the Omaha managers became suspicious and repudiated their bargain with him. Sharp therefore lost his own soul nor gained the smallest part of the world.

Our sole chronicler of these untoward events had taken on no western elasticity, and his exotic, puritanic temperament precluded him from the consolation of reflecting that, after all, everything is fair in a western capital war, and what had been done was predestined by circumstances. In the next issue after the tragedy, February 7, the *Palladium* reads more like special selections from the imprecations of the Hebrew prophets than a western frontier newspaper. It gives more

contested on the ground of his minority. He resigned at the close of the first session, and did not appear again in the public life of the territory. He was married in 1855, at Savannah, Missouri, to Lizzie Moody and two daughters were born to them. Mr. Nuckolls went to Texas in the winter of 1859, for the benefit of his health, and died the following spring. Lafayette Nuckolls is described by Dr. George L. Miller as "a beardless boy of twenty, bright enough, but untamed, so to say, who owed his prominence to S. F. Nuckolls, his big brother, one of the strongest and ablest men of business the South Platte country has ever known. 'The gentleman from Cass' was more amusing than influential, and had no real weight in the body of which he was a member. Mr. Nuckolls was of full height, with a fine head, and a face which was as smooth as a baby's. Jolly and good-natured, he was no small feature of the council in a social sense."

[1] Richard Brown, member of the council in the 1st territorial assembly of Nebraska, was born in Nashville, Tennessee, August 4, 1822. He was of Scotch and English descent, and was a son of Richard Brown, a stanch southerner and an owner of a large plantation with Kentucky-bred stock and negro slaves. He was educated in his native state, but owing to a contest over his father's estate, through a later marriage, he went west. He came to Nebraska from Oregon, Holt county, Missouri, August 29, 1854. He was the first settler in what is now Nemaha county and built

than a column editorial denunciation of Cumming as arch-corruptionist and arch-traitor to his "plain duty." Furthermore, "All the political renegades from every state are by brotherly affection collected around the governor. O. D. Richardson of Michigan, Goodwill of New York, Folsom, ditto, et al., are by his aid foisted upon the people as Nebraska men, and are constituted lawmakers in Nebraska, while small brained knaves of large pretensions are put into the house of representatives for the same reasons and in the same way." Turning on the renegades from Cass he says, "They are looked upon as having sold the interests of their constituents and having put the price into their own pockets. . . . The vote of these unprincipled tools turned the scale against the interest of Plattsmouth—against the interest of the whole region of country on both sides of the Platte river, and effectually crushed the hopes cherished that that place might be favored with the location of the capital." And then becoming specific:

"We repeat: Mr. Singleton (of Richardson county) was offered a donation of Omaha City scrip, imaginatively and nominally valued at $4,000, and we repeat that the intention of the donors was to corrupt Mr. Singleton and secure his vote against the wishes of his constituents and the dictates of his own conscience. We add, after Mr. Singleton had shown this scrip and refused to vote for Omaha City he was called from his seat in the House of Representatives to the room of the acting governor, by Mr. Smith, the private secretary, and that he then and there by request gave up to the donors the intended bribe. All that we have written we stand ready to prove, now, tomorrow, or at any time."

From a superficial view, at least, the *Palladium* was right, and Plattsmouth, or some other South Platte town, lost the capital through the sheer recreancy of her own representatives. For it is fair to presume that with a persistent vote in the house for Bellevue or Plattsmouth, Mitchell, in the council, could have been held away from Omaha by the same means at least by which he was gained. But perhaps deeper insight would conclude that, considering the susceptibility of members to the persuasive means which Omaha possessed far in excess of any other aspirant for the capital, and had no scruples in using, it was inevitable from the first that she would gain a majority. For example, if

his claim cabin on the present site of Brownville, which derived its name from this fact. He was a member of the town site company and helped to lay out the town. Mr. Brown was active in all enterprises for the advancement of the county, and established the first steam sawmill in that section; started the first ferry across the Missouri river at Brownville in 1854, and was president of the bridge company organized in 1856. In 1855 he was appointed the first postmaster of the town. The first voting precinct was established at his home in 1854, and he was elected a member of the 1st territorial assembly from Forney, now Nemaha county. He was a director of the Brownville Hotel company, organized June 24, 1857, and was one of the incorporators of the Brownville Lyceum and Literary Association organized February 9, of the same year. He owned the first and only banking house in Brownville. He was also treasurer of Brownville college in 1858. While a slaveholder, he was a man of peace, and a hard worker. He was sent as a special delegate to Congress to use his influence for the passage of a bill extending the time in which settlers might enter their land claims. The bill was passed, and upon his return the citizens of Brownville conferred upon him the title of "Colonel," which clung to him through life. Upon the breaking out of the Civil war his life was threatened by border ruffians for his known sympathy for the southern cause, although he never took up arms. His property was swept away, and he removed to Omaha where he remained two years. He then went to Kansas City and later to New Mexico where he was on the verge of recovering some of his former wealth. Fate was against him, however, and his roving spirit led him to Texas. Then to California, where he retired from active business and devoted himself to religious work, making no further effort to recover his lost fortune. Mr. Brown was a member of the Christian church, and named his son for the author of the restoration movement. He died in Healdsburg, California, August 30, 1900, from the effects of a kick by a horse. He was married to Miss Levina Alderman, and is survived by seven daughters: Frances, wife of Rev. N. C. McClure, Healdsburg, California; Cordelia, widow of W. A. Botkin, San Francisco, California; Ada, wife of W. H. Roberts, Ferndale, California; Dora and Sadie, unmarried, reside in Healdsburg, California; Margaret, married S. C. Fancher, Kansas City, Missouri; and Ella, wife of C. E. Locke, New York City. One son, Alexander Campbell Brown, died at the age of twenty-one. Mrs. Brown still (1904) resides in Healdsburg, tenderly cared for by her daughter, Miss Dora Brown. Richard Brown is described by Dr. George L. Miller as follows: "He was short and spare of build, but what he lacked in size was made up in energy. His complexion and eyes were dark, the latter a deep blue, his hair was also dark, and he had an abundance, which he wore pompadour. He was vigilant, diligent, and a good man, who always voted independently, and, although he was not a public speaker, he had a way of expressing himself which was easily understood."

Mitchell had stood firm against Omaha, our friend of the *Palladium* has charged Sharp with sufficient perfidy in securing the presidency of the council to have yielded to Omaha's resulting necessity.[1] For the reason given above we quote again from the *Palladium:*

"We are called upon by duty and by conscience, to announce in our columns, that the plans of the acting governor, *T. B. Cuming,* have succeeded. and that they have succeeded by the aid of that same corruption which conceived them, brought them forth, and had the impudence to advocate them. Men have been bought—four thousand dollars was offered to John M. Singleton, of Richardson county, if he would vote for the capital being located at Omaha City; and it was offered him by the private secretary of Acting Governor *Cuming.* And thank God we have one honest man in the legislature—he refused the bribe, but not until he had exposed the scrip of the Omaha City company for $4,000.—But the capital has been located; located against the wish of the great majority of the people—located for the pecuniary and personal benefit of *Tom Cuming* and his brother bribers—located at a place without any natural advantages, and one totally barren of anything, save whisky shops and drunken politicians.

WILSON MEEKS MADDOX[2]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

"*Mr. Cuming* says he *expects* to be removed from the office of secretary—winks wisely, as all such birds do, when they have feathered their individual nests—intimates that *he* doesn't care a d—n for the president and all the removals he may, can or *will;* might, could, would, or *should* make."

Unfortunately there seems to be no other contemporary account of the closing scenes of the capital struggle or squabble than that of the not impartial *Palladium:*

"Action was had upon the bill from the House. Mr. Mitchell moved to insert after Douglas county, 'two and one-half miles north of Omaha.' This extraordinary movement was received with great surprise, except by the knowing ones. But they were relieved by Mr. Mitchell's statement, that he had met the Omaha people in a spirit of compromise, and in consideration of his going for the capitol at this point, he was to be appointed *sole commissioner* to locate the capitol.

"Mr. Richardson, of Michigan, offered a resolution to appoint Mitchell said commissioner. Whereupon a fierce discussion arose upon the question.

"Mr. Sharp, of Iowa, made a long speech against the location of the capitol at that point—giving a lengthy description of the geography of the territory, from whence he

[1] Nebraska *Palladium,* January 31, 1855.

[2] Wilson Meeks Maddox, member of the lower house in the 1st territorial assembly, son of Michael and Francis (Williams) Maddox, was born August 5, 1825, in Hillsborough, Highland county, Ohio, and died in Falls City, Nebraska, January 24, 1903. His parents were natives of Virginia, but the family emigrated from England in an early day and became prominent in colonial affairs. Wilson Maddox, great uncle of the subject of this sketch, was killed by Indians during the Revolutionary war, and Matthew Maddox, of the same family, served in that war and in the War of 1812. Michael Maddox moved from Virginia to Ohio in 1800, where he followed farming, and in 1837 he settled in the northeastern part of Indiana, which remained his home until his death in 1845. W. M. Maddox went to school in his native county until he was about twelve years old, after which he received no regular instruction. He was raised upon a farm and was a farmer during the greater part of his life. In the fall of 1853, Mr. Maddox sold his farm in Indiana and started west, going as far as Pella, Iowa. March 25, 1854, he crossed the river into Nebraska. He first settled on land near the present site of Nebraska City. In 1856 he disposed of this land and moved to Richardson county, where he resided until his death. He was engaged in the mercantile business in Falls City for some time, but in 1871 was admitted to the bar. He led a very active life until 1893, when he retired, devoting his time to caring for his property. He was active in early territorial affairs and was a member from Otoe county of the 1st territorial assembly. In 1863 he was elected sheriff of Richardson county, and in 1871 was again chosen a member of the legislature. During the Civil war he enlisted in the 4th Mis-

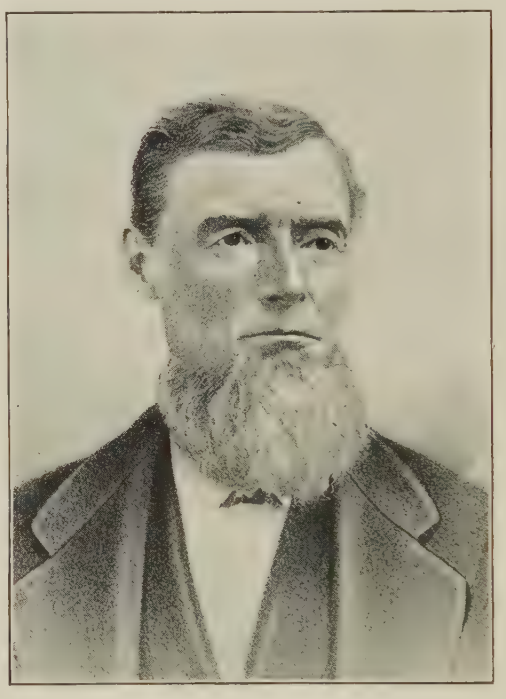
inferred that that point was not central, or convenient.

"Mr. Mitchell replied to Sharp; said he, Mitchell, had been for any place except Omaha; that the recreants from Cass, in the lower House, and the demagogue Sharp in the upper, had by their own corruption and baseness, lost to themselves the capitol; that they might have had it, had they not been such superlative rascals.

"Judge Bennet, followed Mitchell, endorsed all he said, revised, improved and intensified upon the eminent and unapproachable course of scoundrelism, which had been pursued by Sharp, clearly exposed how often he had lied, and how fluently he had expressed himself and with what effect.

"The bill has passed. Mitchell has the promise of the commissionership from Cuming & Co., which very much reminds us of an offer of the whole world, once made by a sulphurous gentleman from below, who didn't own it.

"We rejoice in the downfall of traitors and are happy in the reflection that Sharp, Latham, Thompson and other vipers have gnawed a file."[1]



CHARLES H. COWLES[2]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

The *Palladium* did not fail after the work had been done to credit Mr. Poppleton with efficiently following up Cuming's primary work.

"No evidence of political corruption can be more unmistakable in a legislator, than was displayed in the successful effort of Andrew Jackson Poppleton to obtain the passage of a rule by which all evidence of a right to a seat in the House, should be excluded—except the governor's certificate.

"There were those present prepared to prove that the governor had given certificates of election to those who had LESS votes than others from whom they were withheld—prepared to prove that he had been partial towards his friends in the bestowment of certificates—that another rule had been adopted beside the organic law—but alas! they could not be heard."

It would be difficult to withhold expression of regret that the faithful optimism of the *Palladium*, however short-sighted, should have received so rude a shock. After Governor Cuming had designated Omaha as the meeting place of the legislature it insisted that the location of the capital was yet to be made, and expected and awaited vindication for Bellevue:

"The people are to control its location, and they are going to locate it where it suits them best, as they have an undoubted right to do. As we have repeatedly said the capital is not

souri cavalry, and rose to the rank of lieutenant. He was wounded in the service and resigned, but afterward reenlisted as a scout. He was first married in Indiana to Miss Mary Blunt, who died soon after coming to Nebraska. In 1855 he was married to Margaret A. Miller, of Richardson county, and she, together with seven children, Oscar, May, Grace, Mrs. John W. Powell, and Mrs. George Dietsch of Falls City, Mrs. George Crum of Montpelier, Indiana, and Mrs. Lavina Thieret of Kansas City, survive him. Mr. Maddox was for many years a member of the Methodist Episcopal church. He was also a member of the Masonic order in high standing.

[1] Nebraska *Palladium*, January 31, 1855. The ineffectual Editor Reed had evidently installed J. Sterling Morton as assitant editor in this emergency.

[2] Charles H. Cowles, member of the 1st territorial legislature, was born May 20, 1818, in Genesee county, New York, and died April 14, 1888, in Wyoming precinct, Otoe county, Nebraska. He was of Scotch-Irish descent, his ancestors being among the persecuted people who fled from Scotland into the north of Ireland on account of religious belief. They emigrated to America during the early colonial days, and became prominent in the history of the country. Harry Cowles, father of the subject of this sketch, was a patriot and soldier who rendered valiant service during the War of 1812. C. H. Cowles was left an orphan at an early age, but, being of industrious habits and persevering disposition, he rapidly made his way in the world. Until eighteen years of age, he resided in Trumbull county, Ohio, where his father had moved shortly before his death. In 1841 he went to Jefferson county, Indiana, where he remained until 1848, in which year he crossed the Mississippi river and settled on Platt's Purchase, in Missouri. Soon after, he moved to Atchison county, and built the first

located and cannot be located by the governor any more than by a private citizen."[1]

Nevertheless the governor had located the capital virtually and was to be a very great factor in locating it actually.

And thus it befell that Thomas B. Cuming was the founder of Omaha. And even after the decisive victory had been won by Omaha the faith of the *Palladium* remains unconquered. On the 28th of March, but two weeks before its own final breath is to be drawn, it utters this confident, defiant prophecy:

"The vile speculators that undertook to locate the capital of Nebraska tried to buy this site for the purpose of locating it here. They were unwilling to pay the price set upon it, and the capitol was taken to a place having no historic interest, and comparatively no natural charms or advantages—simply because they could make a better bargain with the speculators in that place than they could here.

"Bellevue, although defeated now, will win the prize in the end. Her natural advantages can not be lied down or legislated away. The God of nature has placed it near the Great Platte and Missouri rivers—guaranteed her the convenience they afford, and set the *great signet* of beauty and grandeur upon her brow."

WILLIAM KEMPTON[2]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

Quite true, excepting the prophecy. The Bellevue of to-day, in size and condition, suffices only to illustrate the truth that mere righteousness and beauty are not in the reckoning against western hustle with all that it implies.

The original missionary's residence and the building which was occupied by the Indian agency are still standing, the first on the edge of the plateau immediately overlooking the river. The walls are a concrete of mortar and small stones, and the house is rectangular in shape, two stories in height with a veranda extending between the two stories along the entire eastern, or river front, thus commanding a magnificent view of the river valley and of the distant bluffs and groves on the Iowa side. A hall extends from east to west across the middle of the house. The mission house itself was long since removed. The first church (Presbyterian) and the residences of Chief Justices Fenner Ferguson and Augustus Hall are still standing and in use. The natural town site of Bellevue comprises a level plateau of about three thousand acres in the angle between the Missouri river and Papillion creek. It rises on the north to a high hill which seems to have been especially

house in Linden, then the county seat. In the fall of 1853 Mr. Cowles first came to Nebraska, and the following year moved to the territory with his family, and established a small trading post. In 1856 he sold this post to a Mr. Gregg, and moved to Wyoming precinct, Otoe county, which remained his home for thirty-two years, or until his death in 1888. He built the first house in Nebraska City, and was the first merchant there. During his lifetime Mr. Cowles was one of the most prominent men of the county, and was an active member and an elder of the Presbyterian church. In 1854 he was elected to represent Otoe county in the 1st territorial legislature. He was affiliated with the republican party from its organization. Dr. Miller says of Mr. Cowles that "he was a tall man, with features that I do not readily recall. He was a farmer and a prominent citizen of Otoe county. . . He was not slow to take part in the angry controversies about the removal of the capital from Omaha, had a temper of his own, and also a good smile for everybody when the fight was over."

December 9, 1841, Mr. Cowles was married to Mary Martin, daughter of Solomon and Jane (Thompson) Martin. Three of their children are now (1904) living: Emma, wife of W. H. Moore, Lincoln, Nebraska; Charles Clayton, Braman, Oklahoma; and Lauriston M., married to Mary Campbell, and residing near Pender, Nebraska.

[1] Nebraska *Palladium*, January 3, 1855.

[2] William Kempton, member of the 1st territorial assembly of Nebraska, was born in Philadelphia, Pennsylvania, September 10, 1820, and died in Glenwood, Iowa, February 20, 1899. He was a son of Samuel Merritt Kempton, an East India trader, who was a relative of General Merritt, famous in the Revolutionary war, and Sarah Ann Reed, of English descent, whose parents were intimate friends of General Washington. His father, a tea merchant and banker in Philadelphia, made many trips to China, bringing home silks, teas, and curios. William Kempton received a common school and collegiate educa-

designed by nature for the capitol of the commonwealth; but though selfish and short-sighted man has disposed where God so magnificently proposed, still the eminence is fittingly crowned by the main building of Bellevue college.

The journal of the council[1] tells us that "Mr. Richardson (of Douglas county) nominated Mr. Sharp of Richardson county for president of the council, whereupon, on motion of Mr. Mitchell, Mr. Sharp was declared duly elected." This is suggestive that point either. Surviving contemporaries of these men and times insist that Sharp agreed for a valuable consideration to support Omaha in the capital struggle, and that, mistrusting him, the consideration was recovered through strategy by an emissary of Omaha (A. J. Hanscom). Though Sharp appears to have favored Omaha interests in the appointment of committees of the council, he for some reason lost interest in the cause of Omaha, and afterward voted against locating the capital in that place.

THE PRESBYTERIAN MISSION AT BELLEVUE, COMPLETED IN 1848[2]

Engraving from a pen and ink sketch by Stanislas W. Y. Schymonsky, owned by Mrs James T Allan, Omaha, Nebraska. This, and its companion pieces, are the only pictures extant of the Mission building as it appeared in 1854

both sides in the capital contest depended upon Sharp, and that he was ready to disap-

On the 5th of February, after the capital campaign had ended in triumph for Omaha,

tion at Philadelphia, Pennsylvania, and at Burlington, New Jersey. At the age of sixteen he left school and began work in a cotton mill in Manayunk, Pennsylvania, of which he later became superintendent. In 1844 he went to Cincinnati, Ohio, and erected a cotton mill, which he operated until about 1850. He then studied law, and in 1854 moved to Glenwood, Iowa, where he built a steam saw and grist mill, bringing the necessary machinery from Philadelphia. In 1854 he was elected a member, from Cass county, of the lower house of the territorial assembly of Nebraska, and was afterwards admitted to the bar of the territory. Mr. Kempton also served in the Iowa legislature as a representative from Mills county, and was the second mayor of Glenwood, of which he was a resident for many years, and was land agent for the C., B. & Q. railroad. He was an early settler of Plattsmouth, also of Grand Island, Nebraska. He was twice married, first to Nancy Singer, of Cincinnati, Ohio; and June 15, 1862, to Mrs. Maria Green, of Glenwood, who now (1904) survives him and resides in Omaha. Three children are also living: Jerome, of Kansas City; Shelby M., and Mrs. Bertha Baldwin, of Omaha.

[1] Page 13.

[2] In 1823 the Council Bluffs Indian agency was removed to Bellevue and included in its jurisdiction the Omaha, Otoe, Pawnee, and Pottawattomie tribes. In the fall of 1834, Samuel Allis and Rev. John Dunbar, representing the Presbyterian Board of Foreign Missions, arrived at the agency at Bellevue, in company with Major John Dougherty, Indian agent. Messrs. Dunbar and Allis opened a school among the Pawnees

friends and beneficiaries in the council moved resolutions vouching for the uprightness and purity of motive, and commending the efficiency of the Napoleonic leader in so rapidly organizing the territory—the first doubtless because it was felt that he needed it, and the second because he really deserved it.[1] A resolution declaring the right of the council to inquire into the acts of public officers, and another declaring explicitly that the several acts of Acting Governor Cuming in the organization of the territory were proper subjects of investigation by a committee had been rejected January 24.[2] Mr. Bennet now insisted that the vote of confidence could not be properly awarded in the face of the denial of the investigation; but after a fierce fight the resolution was carried by a vote of 8 to 5. Those voting nay were Bennet, Bradford, and Cowles of Pierce, Mitchell of Washington, and Nuckolls of Cass.[3] We find Mitchell's enmity or conviction unabated by his capital commissionership, and the *Palladium's* perfidious Sharp, in this instance, in the enemy's camp.

Council file No. 1 was a joint resolution by Richardson providing that the style of the laws should be as follows: "Be it enacted by the council and house of representatives of the territory of Nebraska." Mr. Rogers would have amended it into this more democratic fashion: "Be it enacted by the people of the territory of Nebraska in general assembly convened," but his amendment failed[4] and both houses passed Richardson's resolution.

The enactments of the 1st legislature were classified in eight parts. The first part was intended as a complete civil code, and was appropriated from the code of Iowa. The second comprised laws of a general nature prepared by the legislature itself. The third was the criminal code, also appropriated from the Iowa code. The fourth located and established territorial roads. The fifth defined the boundaries and located, or provided for the location of county seats. The sixth incorporated industrial companies and towns, or cities rather. The seventh incorporated bridge and ferry companies, and authorized the keeping of ferries and the erection of bridges. The eighth consisted of joint resolutions adopted at the session.

The first enactment, in part second, as arranged in the statute, provided for taking another census to be completed by October 11, 1855, for a new apportionment of members of the house of representatives, and the time when annual elections should be held

at Council Point, a short distance up the Platte river. When the hostilities of the Sioux compelled the abandonment of this location, they returned to the agency at Bellevue and there taught the children of the Pawnees. In the fall of 1846, Rev. Edward McKinney, representing the Presbyterian board, selected the site, on the southeast part of the plateau at Bellevue for a permanent mission house. The following spring Walter Lowrie, secretary of the board, visited Bellevue and arranged for the immediate erection of the building, which was completed in 1848. Daniel E. Reed and wife arrived the same fall, and with the missionary and his family constituted the teaching force. Rev. William Hamilton arrived with his family June 6, 1853, and took charge of this mission, remaining until the removal of the Omahas to their reservation in Thurston county in June, 1855. The same year (1855) the first Presbyterian church was organized at Bellevue by Mr. Hamilton, in the Mission building, which was used for this purpose until the next year, when a church was erected and the Mission house was sold to James T. Allan, and converted into a hotel, known as the Bellevue House, and formally opened with a dance, July 4, 1856. It was in this building that Governor Burt took the oath of office, October 16, 1854, and here he died two days later. It was here, too, that Governor Burt had intended to assemble the 1st territorial legislature, and which was afterward tendered to Governor Cuming as a capitol, if the legislature should be convened at Bellevue. Here also the first term of district court in Nebraska was held by Chief Justice Fenner Ferguson, March 12, 1855. The building and its manner of construction are described by Henry T. Clarke as follows: "Midway between the agency building and the trading post, on a plateau, eighty feet above the river bottom and commanding a beautiful view of the river and the Iowa bluffs for many miles, stood the Presbyterian Indian Mission School, under the care of Rev. William Hamilton. This building, facing the east, was 26x80 feet in ground dimensions, two stories high, with two L's of the same height, 20x40 feet in size. There were six rooms in the main building and four in each L. A well was within the enclosure, which was made with the opening to the west. The building was constructed of large hewn cottonwood logs, faced on the inner and outer sides. Joists on the second floor were made by hewing or squaring the timber and afterwards using a whipsaw, one man below and one above to operate it. The lower and upper joists were made by facing only one side of the timber." The above is one of three pen and ink drawings executed in 1855 by Stanislas W. Y. Schymonsky, on the order of James T. Allan, who paid $20 for the three. Schymonsky was said to be a Polish nobleman. He, with his wife, became a part of the teaching force of the Omaha public school in 1858–59. He was a surveyor and expert draughtsman, and was surveyor of Sarpy county in 1861–62, and in 1880–81.

[1] Council Journal, p. 41.
[2] Ibid., p. 25. [3] Ibid., p. 48. [4] Ibid., p. 15.

and the legislature should convene. The second prohibited the manufacture or sale of intoxicating liquors in the territory. H. P. Downs[1] of Nebraska City took the first step in a prohibition movement in Nebraska when he obtained eighty signatures, besides his own, of people of the town named, to a petition for a "prohibitory liquor law," and lodged it in the council. The petition was presented by Mr. Bradford on the 6th of February, and was referred to the judiciary committee.[2] On the 9th of February Mr. Rogers of that committee made the following unique report:

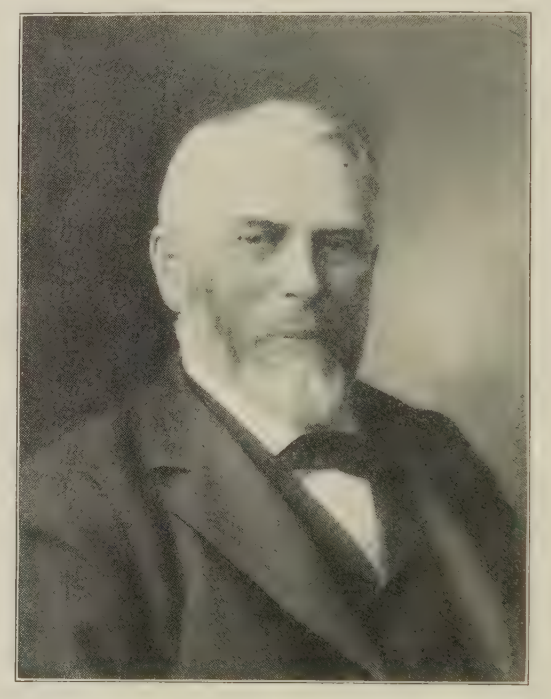
"Your committee, to whom was referred the petition of H. P. Downs and eighty others, praying for a prohibitory law against traffic in intoxicating drinks, and against licensing dram shops and other drinking houses, report:

"That in their opinion, where the people are prepared and public sentiment sufficiently in favor of a prohibitory law to fully sustain and enforce it, such a law would be productive of the best results to the community.

"That in the opinion of this committee, the traffic in intoxicating drinks is a crime, and they would be unwilling to legalize this crime by the solemn sanction of a law granting license for its commission. They are unwilling to elevate to respectability by legal sanction any trade or traffic that tends to demoralize [the] community, retard the progress of education, impoverish the people, and impose on the sober and industrious part of [the] community, without their consent, a tax which must necessarily be incurred to take care of paupers and criminals manufactured by the traffic.

"They are unwilling to make a traffic creditable the evil effects of which do not stop by besotting and bankrupting the heads of families, but which cause hunger, shame, distress and poverty to be imposed with tenfold severity upon the innocent wife and children of their families. As much, however, as we may be in favor of a prohibitory law until [the] community by petition or otherwise may fully manifest their determination to sustain such a law—[3]

"S. E. Rogers."



WILLIAM NEWTON BYERS[4]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

The legislator or the politician of to-day would scarcely be found to advocate the legalizing of a crime. He would call the traffic by a more convenient if not a truer name. It moreover excites the special wonder of the Nebraskan of to-day that prohibition should have been born in Nebraska City, and afterward legitimized by the vote in the legislature

[1] Hiram P. Downs was a native of Maine, and so was logically the father of the prohibitory law passed at the first session of the legislature. In 1850 he succeeded Colonel John Boulware as custodian of old Ft. Kearney (whose site is now within Nebraska City), and continued in charge until the War Department relinquished claim to the property. He was one of the original owners of the Nebraska City town site, and claimed four quarter-sections, which were surveyed for him by Charles W. Pierce. He was the owner of the log cabin in which the first few terms of the district court were held, and which was the first voting place of Nebraska City. He built the first hotel (City Hotel), which he conducted for one year; was postmaster from 1853 to 1854, and a member of the territorial house of representatives in 1857, and again in 1861. January 30, 1855, he was appointed inspector-general of the 1st brigade, Nebraska volunteers; January 24, 1856, was elected by the territorial legislature, brigadier-general of the 2d brigade, Nebraska volunteers; in 1861 assisted in raising the 1st regiment Nebraska volunteer infantry, of which he was appointed lieutenant-colonel by Governor Alvin Saunders; and was promoted to the rank of brigadier-general in August of the same year, with headquarters at Pilot Knob, Missouri, having in his command the 1st Nebraska, and the 4th and 6th Iowa regiments. He moved to Utah, where he failed in business, and died.

[2] Council Journal, p. 42.

[3] Here the report, Council Journal, p. 52, breaks off short.

[4] William Newton Byers, member of the lower house in the 1st territorial assembly, was born in Madison

of all but one of the members from that place and of all the members from Omaha. The original bill was introduced into the council by Goodwill[1] of Douglas county,[2] and it passed that body with only two members, Mitchell and Nuckolls, voting against it.[3] In the house it passed by a vote of 18 to 2—Hail of Pierce county and Smith of Washington being the opposing members.[4] This law stood until the fifth session in 1858, when it was repealed by the enactment of a license law by a vote of 15 to 6 in the house[5] and 6 to 3 in the council.[6] Men still living, who were familiarly acquainted with the public affairs of the territory at that time, are unable to explain why a law, almost grotesquely out of place on the western frontier, should then have been passed; and so it seems necessary to attribute the adoption of this incongruous measure to the new and ardent prohibition sentiment which was then prevalent in the far eastern states, and whose influence had touched the fancy or emotion of some of the Nebraska immigrants from that section. It hardly need be said that none of these old inhabitants has any recollection of attempted enforcement of the law.

The revenue law required the auditor to distribute the territorial expense authorized to be paid out of the territorial treasury according to the assessment rolls which were to be transmitted to him by the judges of probate of the several counties. This territorial tax was to be paid in specie or territorial warrants.[7] The probate judges levied the county taxes,[8] and the sheriffs were at once assessors and tax collectors in their respective counties. In addition to the ordinary duties of such officers the sheriff also acted as coroner of his county.[9] A register of deeds was provided for, with the ordinary duties of such officers.

county, Ohio, February 22, 1831. His father, Moses W., was of Scotch-English descent, although the family were among the early settlers in America and had numerous representatives in the Revolutionary army. His mother, Mary Ann Branderburg, belonged to the celebrated family of that name. He was educated in the public schools of his native county and attended an academy at West Jefferson, Ohio, for one term. In 1850 he accompanied his parents to Iowa, and a year later joined a government surveying party working in western Iowa, and remained with it until 1852, when he went west to Oregon and there joined another government surveying party and worked in Oregon and Washington for about two years. After spending a short time in California he returned to Iowa by the Isthmian route. In 1854 he came to Nebraska, locating in Omaha, and was the first deputy surveyor appointed in the territory. He issued the first official plat of Omaha, and shortly afterwards formed a partnership with Andrew J. Poppleton under the firm name of Poppleton & Byers, surveyors and attorneys. Mr. Byers made the first map of the city of Omaha and was a member of the first city council. In 1859 he removed to Denver where he established and became editor-in-chief of the *Rocky Mountain News*. He was a member of the first constitutional convention of Colorado in 1864. In 1882 he was elected vice-president and chairman of the finance committee of the Denver Tramway Company. Later he became vice-president of the Union National bank. Throughout his life Mr. Byers was a republican in politics. He took his first degree in Masonry in Omaha in the old Capitol Lodge, and was a Knight Templar at the time of his death. November 24, 1854, he was married at Muscatine, Iowa, to Miss Elizabeth M. Sumner, a member of the Sumner family of Massachusetts. Two children were born to them: Frank S. Byers, a prominent stock dealer in Colorado, and Mary Eva, the wife of William F. Robinson, of Denver. Mr. Byers led an eventful life, and contributed largely to the development of the West. He died March 25, 1903.

[1] Taylor G. Goodwill, member of the council of the 1st territorial assembly of Nebraska, was born in Springfield, Massachusetts, in 1809, and died in Omaha, Nebraska, in May, 1857. He was a farmer and resided in Attica, New York, for some years. He came to Nebraska in 1854 and in 1855–56 was a member of the territorial council from Douglas county. He was the first treasurer of that county, in 1855, and in 1857 was elected one of the first aldermen of Omaha. He was also adjutant-general of the territorial militia and was commonly known as Colonel Goodwill. In 1856 he erected a hotel known as the Goodwill house, near Davenport and 15th streets. Dr. George L. Miller describes Mr. Goodwill as he knew him as "past middle age when he reached Omaha in 1854; a tall, dark-haired man, with black eyes and dark skin, a fair education, and good business training; a typical New Yorker, shrewd and a good manager. He was well-esteemed as a man of respectable character and abilities, but was not a leader in affairs. In the council he was prompt and ready, as the record attests, and did his part well in guarding the interests of Omaha." He was married to Lucy A. Backus, who died in 1875. Mr. Goodwill was a liberal patron of all religious enterprises and at one time gave a very large sum toward the building of the First Methodist Episcopal church of Omaha. Five children were born to Mr. and Mrs. Goodwill: T. Le Grand, Sarah Octa, Julia A., who became the wife of Allen Root, Lucy A., and Carrie E., all of whom are now dead. Mrs. Allen Root, whose biography appears in this volume, was the first school teacher of Omaha.

[2] Council Journal, p. 109.

[3] Ibid., p. 122.

[4] House Journal, p. 113.

[5] Ibid., 5th Sess., p. 241.

[6] Council Journal, 5th Sess., p. 266.

[7] Act to provide for territorial revenue, Laws of Nebraska, Territorial Sess. 1–3, p. 160.

[8] Act to provide for county revenue, Ibid., p. 181.

[9] Act defining duties of sheriffs, Ibid., p. 167.

The organic act provided that the judicial power should be vested in a supreme court, district courts, probate courts, and justices of the peace. The supreme court consisted of a chief justice and two associate justices, who were to hold a term annually at the seat of government. In accordance with the organic act the legislature divided the territory into three districts, and fixed the times and places for holding the courts therein. A judge of the supreme court presided over each of these district courts. The judges were appointed by the president, and the salary of each, $2,000 a year, was paid from the federal treasury. The district judges acted in a federal capacity also, having "the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States." A marshal for the territory was also appointed by the president. He executed the processes of the district courts when exercising their jurisdiction as circuit and district courts of the United States; in addition his duties were the same as those of the district court of the United States for Utah, and he received the same fees as that officer and an annual salary of $200. Each of the courts appointed its own clerk, who was paid by fees.[1]

REV. JOEL M. WOOD[2]
FIRST CHRISTIAN PREACHER IN NEBRASKA—
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

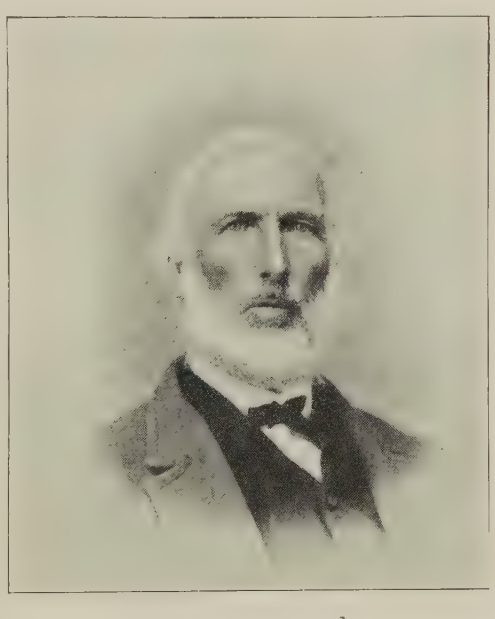
The legislature prescribed the jurisdiction of the supreme and district courts and of justices of the peace, and the times and places for holding court, and divided the territory into districts. The first district comprised the counties of Douglas and Washington. The chief justice of the supreme court, Ferguson, was assigned to this district, and he was to hold two terms of court annually at Omaha City in Douglas county, and two at some place not designated in Washington county. The 2d district comprised the counties of Clay, Cass, Gage, Greene, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Richardson, Saline, and York. The act provided for two terms of court annually in Cass, Otoe, Nemaha, and Richardson, and for terms in the other counties at such times and places as the judge should appoint. Associate Justice Harden was assigned to this district. The 3d district comprised the counties of Blackbird, Buffalo, Burt, Cuming, Dakotah, Dodge, Izard, Jackson, Loup, and McNeale. Two terms of court annually were to be held at

[1] See organic act.

[2] Joel Martin Wood, pioneer Christian minister and member of the 1st territorial assembly of Nebraska, was a son of Shelton and Anna (Smith) Wood. He was born April 5, 1821, in Pulaski county, Kentucky, and died in 1886. The Wood family were obliged to flee from England, upon the restoration of the monarchy under Charles II., for having served in Cromwell's army, and they settled in Virginia. J. M. Wood had but little school education. He was a minister of the Christian church for over forty years. He came to Nebraska in October, 1854, settling in Brownville, and was one of the original town site proprietors and the first treasurer of the village. He organized a congregation of disciples at Brownville in January, 1855, which is said to have been the first regularly established church in the territory. He also erected the first hotel building in Brownville during the same year. Mr. Wood represented Forney, now Nemaha county, in the lower house of the 1st territorial assembly, but never took an active part in politics in later years. He was a member of the Masonic order and of the I. O. O. F. He was married in 1844 to Amelia A. Sloane, who survived him, dying in 1900. Eleven children were born to them, six of whom are now (1904) living: John S., Elmo, Missouri; James W., Mountain Grove, Missouri; Susannah F. Collinge, Sturgis, South Dakota; William W., Baxter Springs, Kansas; Benjamin F., Stanberry, Missouri; and Sallie Wallace, Norwich, Iowa.

"Fontenelle in Dodge county and at Tekamah." Associate Justice Bradley was assigned to this district. The unpreparedness of those times is illustrated by the provision that the court should be held at the court house in each of the counties "where there shall be a court house," and "where there shall be none" the sheriff shall provide a suitable place.

The act defining the duties of the judge of probate made that officer of formidable importance. He had the ordinary jurisdiction of a probate judge and of justices of the peace. Besides this he was accounting officer or auditor and general fiscal agent of the county. He had "authority to provide for the erection and reparation of court houses, jails, and other necessary buildings for the use of the county," and to determine the amount of tax to be levied for county purposes, and cause the same to be collected. This dignitary and the sheriff appear to have been the lord high rulers of the county.



WILLIAM B. HAIL[1]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

The act regulating elections provided for the election on the first Tuesday in November, 1855, and on the same day of every second year thereafter, of a delegate to Congress, county officers, consisting of a probate judge, register, sheriff, treasurer, and surveyor; also a territorial treasurer, auditor, and librarian, a district attorney for each judicial district, and two justices of the peace and two constables for each precinct. Members of the house of representatives were to be elected on the day named every year. Members of the council were to be elected in 1856 and each second year thereafter. Another act provided for the admission to practice in all the courts of the territory of "any person twenty-one years of age who can produce satisfactory evidence of good moral character and pass examination before either of the judges of the district court or the judges of the supreme court." Beyond administering upon the moral estate of the applicant, which alone was specifically prescribed, the examining board was free to inquire and impose conditions touching his race, color, sex, previous condition, and legal qualifications—all, one, or none of them—as it saw fit.

At this first session a liberal law was passed exempting the property of married women from liability on account of the debts of husbands, but no general exemption of homesteads or other property was made. An interest rate of 10 per cent was fixed where

[1] William B. Hail, member of the 1st territorial assembly of Nebraska, was born August 4, 1811, in Grayson county, Virginia, and was killed in a railroad accident at Nebraska City, October 1, 1888. He was a son of Stephen and Francis (Bourne) Hail, who were natives of Virginia. W. B. Hail was reared in Grayson county, and there engaged in farming. In 1838 he was elected county surveyor and served for many years. He was also justice of the peace for four years. In the fall of 1854 he moved to Nebraska, where he claimed a tract of land now included in Nebraska City, and known as Hail & Co.'s addition. A few days after his arrival he bought a sawmill in Iowa, and hauled it to Nebraska City, where, with his nephew, he operated it under the firm name of W. B. Hail & Co. He was a member of the first board of aldermen of Nebraska City, in 1855, and again in 1860. He was also a member of the Nebraska City Town company. He was elected a member of the house of the 1st territorial assembly from Pierce, now Otoe county, and was reelected to that body for five successive terms. In 1857 he was probate judge of Otoe county, and was justice of the peace for many years. In 1873 he was president of the Old Settlers' organization. In politics he was always a democrat. He was married January 31, 1833, to Matilda Jones, born in Grayson county, Virginia, August 13, 1811. Nine children were born to them: C. Currin, now (1904) living in Brownville, Nebraska; Silas Friel; Laura J., married L. F. Cornutt; Celia, married James S. Miller; Alverda, Scott, Taylor, and Stephen A., the last born in Nebraska City, June 2, 1855.

no other rate was provided by contract, and the contract rate was left without limitation. A bill to exempt a homestead from forced sale was passed by the house by a vote of 14 to 5,[1] but it was defeated by postponement in the council by a vote of 7 to 6.[2] Later in the session another bill for the exemption of the homestead and other property of unmarried persons, after passing the house by a vote of 13 to 4,[3] was also defeated in the council by postponement.[4] But a law was passed exempting from forced sale on execution of real or personal property of married persons or heads of families to the value of $500, and of unmarried persons to the value of $200. The usual exemption of specific property was included in the code borrowed from Iowa. A law with the usual provisions regulating marriage was passed.

The law "to establish the common school system" conferred upon the territorial librarian the duties of territorial superintendent of public instruction, at a salary of $200 a year, and provided for the organization and support of common or district schools. The county superintendent reported to the territorial superintendent all essential facts reported to him from the several districts in his county, had general superintendence of the schools, was required to visit them at least twice each term, was authorized to examine and grant certificates to the teachers, and apportioned the county school tax and paid it over to the districts. The district board of directors managed the affairs of the districts, and before employing teachers were required to examine them in the branches of reading, spelling, writing, arithmetic, geography, history of the United States, and English grammar.

JOSEPH D. N. THOMPSON[5]
MEMBER OF THE 1ST TERRITORIAL ASSEMBLY

An act entitled "Claims on public lands," passed by the 1st legislature, undertook to legalize neighborhood regulations as to claims and improvements on public lands, and provided for their registry in the office of the register of deeds of the county as the law of each neighborhood. A valid claim was limited in extent to 320 acres, and each claim was to conform "as near as may be to the lines of subdivision of the United States surveys," and the boundaries were required to be "marked, staked, or blazed." The act provided that the resident claim holders of each neighborhood should define its boundaries and record them in the office of the register of

[1] House Journal, 1st Sess., p. 61.

[2] Council Journal, 1st Sess., p. 70.

[3] House Journal, 1st Sess., p. 119.

[4] Council Journal, 1st Sess., p. 139.

[5] Joseph D. N. Thompson, member of the 1st territorial assembly of Nebraska, was born in White county, Tennessee, December 22, 1810, and died June 2, 1871, in Brownville, Nebraska. He learned the harness-maker's trade when a young man, but later studied law and was admitted to the bar. He married Miss Martha Baker in the early '30s and soon after moved to Missouri. At the close of the Mexican war he moved with his family to Iowa, and afterward to Nebraska, settling in the old town of Kanosha (Kenosha), situated on the Missouri river, ten miles south of Plattsmouth. He was elected a representative from Cass county to the 1st territorial assembly, but, as soon as his term of office expired, he moved to Glenwood, Iowa. He returned to Nebraska the following year and settled in Brownville, where he practiced law. February 9, 1857, he was elected a member of the first board of aldermen. In 1858 he was again elected to the territorial assembly, and was sergeant-at-arms of the fifth session of the house. He was also a member of the Brownville school board in 1859, and in 1861 was postmaster of Brownville, but resigned to take part in the Civil war. He served in the Black Hawk war under Colonel Gentry and participated in the battle of December 25, 1837, in which that officer was killed. He also served in the Seminole war, and, under Colonel A. W. Doniphan in the Mexican war. In January, 1855, he was appointed adjutant of the 1st regiment, territorial militia, organized for the protection of settlers

deeds. It is an interesting fact, which must be borne in mind for a proper understanding of the claims bill, that at the time it was passed no part of Nebraska had been surveyed, and therefore no lands had been offered for sale or formally opened to settlement. We find Mr. Joseph Dyson urging, in support of his candidacy as a delegate to Congress in 1854, that he is in favor of a law which will "secure to actual settlers a temporary right to the lands they have improved until such time as they can dig out of the soil the amount of money necessary to enter them;" and that "it is a conceded point that the pre-emption law of 1841, in a great majority of cases, has been destructive to the interests of the pre-emptor," because "as soon as a person who has no capital files on a piece of land some individual who has more money than good principles will lay his money on the same land" in the hope that the preemptor will not be able to pay for it at the time specified by law. In order to protect himself from this menace he must borrow money "at forty or fifty per cent per annum, which are the usual rates of interest in such cases."[1]

MRS. JANE ELIZABETH BENNETT
WIDOW OF GIDEON BENNETT[3]

By the law of Congress approved July 22, 1854, the President of the United States was authorized to appoint a surveyor-general for the territories of Nebraska and Kansas, and his office was to be located as the President should from time to time direct. This law provided that "all public lands to which the Indian title has or shall be extinguished" should be subject to the preemption act of 1841, also that Nebraska should constitute the "Omaha district," and Kansas the "Pawnee district."[2] The first surveyor-general appointed under this act was John Calhoun, and his office was first located at Leavenworth, Kansas. It was removed from Kansas to Nebraska City about June 1, 1858.

The second party to the first surveying contract for Nebraska undertook to establish the principal base line in the territories of Kansas and Nebraska, which was to begin at "the point where the 40th degree of latitude [the boundary line between Nebraska and Kansas] intersects the right bank of the Missouri river," and to run west 108 miles to the sixth principal meridian, which was the western border of the Omaha cession, and is now the western boundary of Jefferson, Saline, Seward, and Butler counties. The parties to this contract were the surveyor-general and J. P. Johnson of Bond county, Illinois; it was dated November 2, 1854, and the work was to be completed by January 20,

against the Indians. At the outbreak of the Civil war he enlisted in the service and was elected captain of company C, 1st Nebraska volunteer infantry, organized in Brownville, June 8, 1861. This regiment afterwards became the 1st regiment Nebraska veteran volunteer cavalry. Captain Thompson resigned January 5, 1862, and later served as a private in company K of the 48th Missouri volunteer infantry. His four sons also enlisted in the Union army, and in which his wife and daughters served as nurses. At the close of the war he returned to Nebraska, living in Nemaha and Richardson counties, alternately, until his death in 1871. He was buried in Walnut Grove cemetery in Brownville.

[1] Nebraska *Palladium*, December 6, 1854.

[2] United States Statutes at large, vol. 10, p. 308.

[3] Gideon Bennett, member of the lower house of the 1st territorial assembly of Nebraska, was born about 1825, in Virginia. He left his home when eight years of age and lived for some time in Indiana. Little is known of his early life except that he came west to Missouri when a young man. About 1848 he was a resident of Atchison county, Missouri, where he owned a farm. About 1854 he moved to Otoe City, now Minersville, Nebraska, where he operated the first flatboat ferry. Here he was interpreter and agent to the Otoe Indians for some time. At one time he carried the mail between Marysville, Kansas, and Nebraska City, but on account of troublesome Indians he soon relinquished the route. Mr. Bennett was one of the first settlers of Nebraska City and took an active part in the development of that place. In 1855 he was elected a member from Forney, now Otoe county, of the lower house of the 1st territorial assembly. His death, which occurred in 1864, was the result of an accidental gunshot wound received in 1860 during an election quarrel of which he was a spectator. He was married about 1847–48 to Jane Elizabeth Baum, who was born in 1826. Mrs. Bennett was a native of Pennsylvania, but came west with a party of

1855. The next contract was made April 26, 1855, with Chas. A. Manners of Christian county, Illinois, for establishing the guide meridian between ranges 8 and 9—the west line of Pawnee, Johnson, Otoe, and Cass counties—and the Missouri river, and also to establish the 1st, 2d, 3d, 4th, 5th, 6th, and 7th parallel lines. The third contract, dated September 26, 1855, with Bennet Burnam, was for subdividing townships 1, 2, 3, 4, north, range 12 east—the east tier of townships of Pawnee county, and the southeast corner of Johnson, and the southwest corner of Nemaha county. This contract was to be completed by December 1, 1855. Contracts for the first subdivision in Douglas county—including Omaha City and Florence—and in Otoe county were made October 31, 1855, to be completed by June, 1856.[1]

The Council Bluffs *Chronotype*[2] quotes the Nebraska City *News* of January 19, 1856, which reports rapid progress of the survey, saying that "early in the spring all of Nebraska between the guide meridian and the Missouri river will be surveyed and in the market." Maj. J. D. White had just returned to the city from the field, having completed a contract in the first division, and several companies were at work on the first, second, third, and fourth divisions.[3]

From this account of the first surveys it will be seen that all claimants of lands before the organization of the territory and for about two years after[4] were merely squatters, without titles or surveyed boundaries of their landed possessions. But necessity had become the mother of invention of a practicable and efficient substitute for statutory rule or mea-

Mormon converts and settled at Nauvoo, Illinois. She was with the Mormon train, en route to Salt Lake, and while encamped on the river near Council Bluffs, Iowa, met Mr. Bennett, who had driven from Atchison county, Missouri, for the purpose of trading. A short time after she left the Mormon delegation, went to Missouri, and was married to Mr. Bennett. Seven children were born to them: George, Salt Lake City, engaged in ranching; John, Nebraska City; Mary, wife of Charles Warfield, Butte City, Montana; Columbus and William, who died in youth; Lafayette, who operates a dray line in Nebraska City; and Emma, wife of Jefferson Dietrich, Council Bluffs, Iowa. Mrs. Bennett still (1904) resides in Nebraska City.

[1] Original contracts on file in the office of the commissioner of public lands and buildings of Nebraska.

[2] March 5, 1856.

[3] The Nebraska *Advertiser* (R. W. Furnas, editor), of June 14, 1856, in the course of a description of Richardson county, lets us know that surveying is in progress there. He says the county embraces "a large portion of the 'Half-breed Tract,' an Indian reservation, about ten miles wide and thirty long, on the Missouri river, . . . This Reserve has materially retarded the growth of Richardson county and Archer, the county seat, which is near the line, and, . . . many thought it was on the 'wrong side.' This difficulty will speedily be removed, as the United States surveyor is now engaged in subdividing the lands and determining the exact locality of the 'Half-breed line.' . . . "

The *Advertiser* (July 15, 1858) calls attention to a later settlement of this question: . . . "We learn by Judge Ferguson that by an act of Congress, what is known as the 'McCoy line,' has been established as the half-breed line. This leaves Archer off the half-breed land, and also relieves many settlers who had spent their all in improving claims, and had the 'new line' been established would have lost all. Too much credit cannot be given to E. S. Dundy, Esq., who went on to Washington in person, and together with our delegate succeeded in accomplishing what has been done for the settler." Following is the act referred to: "And be it further enacted, That the line surveyed by John McCoy in 1838, as the western boundary of the half-breed tract, specified in the tenth article of the treaty made between commissioners and a part of the United States, and certain Indian tribes at Prairie du Chien, on the 15th of July, 1838, be, and the same is hereby, established as the true western boundary of said tract."—(United States Statutes at Large, vol. 11, p. 327.)

Mr. Woolworth shows the status in 1857 as follows: "Surveys have been completed in Nebraska from the river to the guide meridian; that is, in Richardson, Pawnee, Johnson, Nemaha, Otoe, Cass, Sarpy, Douglas, Washington, Burt, and Dakota counties; so that the mere settlement of the squatter within them, gives him the right to pre-empt. Contracts have been let for the survey of the counties back to the sixth standard meridian. The approval of the land office at Washington has been received of only the southern tier of counties. The office at Omaha City opened for the entry of pre-emptors on the 1st of February. The approval of the remainder of the surveys, together with the tract books, will be received about the 1st of April, when the office will be opened for pre-emptors for the entire district surveyed."—(Nebraska In 1857, p. 49.)

The Nebraska City *News* of May 22, 1858, states that official notice has been given "that the Surveyor General's office for Kansas and Nebraska will be opened at this place on the first of June."

The Nebraska City *News* (October 29, 1859) notes that the line between Kansas and Nebraska has been surveyed through to the Rocky mountains—the western border of both territories—a distance of 557 miles from the Missouri river. This line passed 16 miles north of Denver and reached the summit of the mountains a mile and a half north of Boulder City. Messrs. Todd & Withrow, contractors, had surveyed the west 355 miles of this line, "which," says the *News*, "establishes the locality of the several diggings and towns; beyond all question a majority of the former are in Nebraska."

[4] The *Advertiser* (February 26, 1857) says that "The first farm entered in Nebraska under the Pre-emption Laws, was that of Mr. William Ferguson, adjoining this city. The first Town Site entered under the same law was Brownville."

sure. The primary government of the territory was a pure democracy. The first formal territorial laws were those passed by the claim clubs. Though the earliest of these laws antedated the legislature, and had no constitutional origin or sanction, they were none the less actual or effective. This system was doubtless borrowed directly from Iowa, where it had been in vogue in a similar form.[1] There is contemporary evidence that the rules of these clubs were enforced with equity and firmness—sometimes with the utmost severity—and that the settler who came into this voluntary court of equity was protected in his substantial rights from the time he squatted on his claim until he made good his title when the lands were put on sale by authority of the federal law. The constitution and rules of the several clubs did not greatly differ in substance. The first claim association of Nebraska of which we have any record was organized at a meeting held under the "lone tree"—the western terminus of the Council Bluffs and Nebraska Ferry—on the 22d of July, 1854. Samuel A. Lewis was chairman and M. C. Gaylord,[2] secretary. In the preamble of a set of resolutions passed at the meeting is an interesting account of the relation of the ferry company to the projected town of Omaha as early as 1853.[3] The sec-

[1] "The pioneer political institutions of which I wish to speak in this paper are more especially those of Iowa. For it was upon the Iowa frontier that land clubs or claim clubs reached their most perfect organization and attained their greatest influence. But the institution of the frontier land club or claim association was in no sense a local, sectional or temporary phenomenon. There are documentary evidences of its existence in Wisconsin and Illinois. And the annals of the west in general point to similar organizations from the early days of the self-governing communities of Wautauga, Cumberland and Transylvania down to the recent rush for land in Oklahoma. . . . It is a distinctly western institution."—(Benjamin F. Shambaugh, *Ann. Rept. Am. Hist. Assn.*, 1900, vol. 1, p. 69.)

[2] M. C. Gaylord, a carpenter, built of pine flooring the second house in Omaha City, at what is now 22d and Burt streets, in July, 1854. Here, in November, 1854, occurred the first birth and death among the white settlers. Mr. Gaylord died soon after the birth of his son, and was buried on the present site of Creighton college, his remains being taken up and reburied when the college building was erected in 1877.

[3] "NEBRASKA CLAIM MEETING

"Pursuant to notice given, a large and respectable number of the claimants upon the public lands in the vicinity of Omaha City met at that place on the 22d day of July, 1854. S. Lewis [Samuel A. Lewis] was called to the chair, and M. C. Gaylord appointed secretary. The following claim laws were then enacted, viz.:

"CLAIM LAWS

"Sec. 1. Be it enacted by the Omaha Township Claim Association, that we unite ourselves under the above title for mutual protection in holding claims upon the public lands in the territory of Nebraska and be governed by these claim laws.

"Sec. 2. That all persons who have families to support or who are acting for themselves will have protection from this association providing they become a member of it and act in conjunction with the majority of its members.

"Sec. 3. No person can become a member unless he resides in Nebraska territory or disclaims a residence elsewhere.

"Sec. 4. All claims must be marked, staked and blazed so the lines can be traced and the quantity known by persons accustomed to tracing lines.

"Sec. 5. No person will be protected in holding more than three hundred and twenty acres of land, but that may be in two separate parcels to suit the convenience of the holder.

"Sec. 6. Marking the claim and building a claim pen four rounds high in a conspicuous place shall hold the claim for thirty days.

"Sec. 7. At the expiration of thirty days as in section six the claimants shall erect a house thereon.

"Sec. 8. All differences respecting claims if they cannot be settled amicably between the proper claimants, shall be settled by arbitrators, each claimant shall select one arbitrator and those selected shall choose a third.

"Sec. 9. The arbitrators shall investigate all the claim difficulties between said claimants by hearing testimony and argument, and decide as the right and justice of the case to them may appear, and give to the party in whose favor the decision has been made a written certificate of the settlement of the differences between them and file a copy with the recorder of the association for the future reference if required.

"Sec. 10. When claims are sold or exchanged, Quit Claim Deeds shall be given as evidence of the contract in which the boundaries of the claim shall be amply set forth.

"Sec. 11. The jurisdiction of the association shall extend north and south of the grade section line in Omaha City 3 miles and west from the Missouri river 6 miles.

"Sec. 12. No person shall hold more than eighty acres of timber but that may be in two separate parcels.

"Sec. 13. When claimants of different claim townships come in conflict a committee of conference shall be appointed by the Judge to hold a council with a similar committee selected by the proper authorities of the claim township of which the other interested person is a member, which committees when acting together shall determine which claimant is entitled to the matter in dispute.

"Sec. 14. After the adoption of the foregoing resolutions the following preamble and resolutions were submitted to the meeting and unanimously adopted:

"Whereas, the Council Bluffs and Nebraska Ferry Company obtained the consent and approbation of the Indian Agent in July last, now one year ago, to establish and put in operation a steam ferry at and between Council Bluffs and the point where we are now assembled, now known as Omaha City,

"And whereas said company has expended large sums of money in the purchase of a steam ferry boat, and in keeping it in regular operation, in making roads, and in starting the first brick yard in the territory for making pressed and other superior bricks.

"And whereas said company is about erecting a substantial and commodious brick edifice, suitable for

ond of these clubs of which we have any account is one whose preliminary organization took place at a meeting held at Traders Point, September 11, 1854. Samuel Allis presided and William Gilmour[1] was secretary, and a committee was appointed to draft rules and regulations and report at a meeting to be held September 23.[2] There appears to have been some discord—probably founded on jealousy—about this meeting, for the *Palladium* refused to publish its proceedings,[3] and the *Arrow* of September 29 contains an account of a meeting held at Bellevue during the previous week, at which a new committee, appointed then and there, reported rules and regulations which were adopted. The *Arrow* of October 6 publishes the proceedings of a meeting, September 23, in "Big Grove," one mile west of the Omaha village, where the Papao Claim Association[5] was

legislative, judicial and other public purposes; as well as other buildings and improvements on their ferry claim, now Omaha City.

"Therefore, resolved, that we recognize and confirm the claim of said company as staked out, surveyed and platted recently into lots, blocks, streets, alleys and out lots, and bounded on the East by the Missouri river, on the north by [Thomas] Jeffrey's claim, on the West by [M. C.] Gaylord and [Hadley D.] Johnson's claim, and on the South by [Alfred D.] Jones' claim; and that we will countenance and encourage the building of a city on said claim.

"Sec. 15. The officers of the association shall consist of a judge, clerk, recorder, and sheriff, who shall hold their offices for six months, and until their successors are elected.

"Sec. 16. The judge shall preside at all meetings of the association and with the other officers call its meetings whenever he may deem it necessary and perform such other duties as may be assigned him by the association.

"Sec. 17. The clerk shall keep a journal of the proceedings of the association when in session assembled.

"Sec. 18. The recorder shall record all quit claim deeds, boundaries of claims, decisions of arbitrators, &c., which may be presented to him for that purpose, for which he shall receive fifty cents each from the person desiring the service rendered.

"Sec. 19. The sheriff shall execute and put in force all judgments of arbitrators and shall have power to call to his aid therefor the entire association and should any member refuse without good cause shown before the judge, he shall forfeit all his right to protection from the association.

"Sec. 20. These laws shall not be altered or amended except by a public meeting of which due notice shall be given by order of the officers of the association.

"After the passage of the above laws the association proceeded to the election of its officers, which resulted, viz.: A. D. Jones, Judge; S. Lewis, Clerk; M. C. Gaylord, Recorder; R. B. Whitted, Sheriff.

"On motion the assembly adjourned.

"S. LEWIS, Chairman.

"M. C. GAYLORD, Sec."

—(From the Omaha *Arrow*, July 28, 1854.)

[1] William Gilmour, Sr., was a resident of Rock Bluffs precinct, Cass county. He came to the territory in 1854, and became president of this claim club upon its final organization.

[2] The Omaha *Arrow*, September 15, 1854.

[3] Ibid.

[4] "PAPAO CLAIM CLUB MEETING.

"On motion, J. M. Arnett was called to the chair and William N. Byers was chosen secretary.

"On motion, a committee of five, N. Hallock, R. McCarty, D. C. Wood, J. M. Allen and Isaac Franck, were chosen to draft a preamble and resolutions indicative of the sense of this meeting.

"The following being presented, were severally considered and adopted:

"Whereas, we the undersigned, citizens of the territory of Nebraska, deeming it necessary for our welfare to form a club or association for the mutual protection of our lives, our property, and our claims, therefore.

"Resolved, That we form ourselves into a league to be known as the Papao Claim Association, comprising claimants claiming lands situated within the limits of the following described boundaries, to-wit: Beginning at a point two miles North-East of the Omaha village, situated at the junction of the Papao creeks, thence running West fifteen miles, thence south to Platte river, thence with Platte river to a point due south of the beginning point, thence north to said beginning point.

"2. No individual shall be allowed to claim more than eighty acres of timbered land, or more than one hundred and sixty acres of prairie.

"3. Where impracticable to take a claim in one undivided tract it may be taken in two, three, or four parcels.

"4. On making claim to a tract of land, the claimant shall proceed to blaze his exterior lines through timber, sufficiently plain to be easily followed by one accustomed to tracing lines, and staked through prairie and the corner stakes regularly established and plainly marked with the claimant's name, the number of acres claimed and the date on which the claim is made.

"5. To hold a claim the claimant shall, within ten days after the date of his claim, lay the foundation of a house and within thirty days shall erect a tenable house.

"6. A house being erected, there shall, as frequently as practicable, be some work performed, showing occupancy, which shall be considered as holding good until the 17th day of March, 1855, on and after which a residence only shall be considered a valid claim.

"7. Resolved that one of our number be chosen who shall act as recorder, whose duty it shall be to preserve and record the description and boundaries of each man's claim, for which he shall receive a fee of fifty cents each.

"8 To secure the protection of the Association, it shall be considered the duty of each member on marking or staking off his claim to present or forward to the recorder a full description of his claim boundaries and the location of the same, together with a certificate of the number of acres claimed.

"9. Resolved, That a committee of three be appointed who shall act as arbitrators in case there shall be difficulty regarding claim rights or confliction of claim lines. Should they fail to effect a settlement of the matter in dispute, they are empowered at any time to call a meeting of the Association, and the case in point shall be decided by a vote of the members present.

formed. The Union Association[1] was formed at a meeting at the residence of Mil. Cardwell, near Plattsmouth, March 20, 1855.[2] The Omaha Claims Association was organized February 5, 1856, and the Elkhorn Claim Club,[3] October 11, 1856.

John M. Thayer was president of the Omaha Claims Association, and Lyman Richardson was secretary. The fundamental resolutions, after reciting that "it has been found necessary in all new countries to league together to prevent lands being taken by speculators abroad or at home," and that "during the coming season lands will be greatly sought for by newcomers and land sharks," commit the club to the meting out of justice in this admirably direct, determined, and unmistakable manner:

"We whose names are hereto subscribed, claimants upon the public lands, do hereby agree with each other, and bind ourselves upon our honors that we will protect every lawful claimant in the peaceable possession of his claim, and that in case of his claim being jumped we will, when called upon by the Captain of the Regulators, turn out and proceed to the claim jumped, and there endeavor to have the matter settled amicably by an arbitration on the spot, each party to choose one arbitrator, and if they can not agree they shall choose a third; but if it can not be so settled then we will obey the captain in carefully and quietly putting the jumper out of possession and the claimant in.

"We further agree with each other that when the surveys have been made and the land offered for sale by the United States we will attend said sales and protect each other in entering our respective claims, each claimant furnishing the money for his said entry.

"After the sales we are to deed and re-deed to each other so as to secure to each claimant

"On motion, Messrs. George W. Lewis, James Hickey and Jefferson Saling were chosen committee of arbitrators.

"On motion, William N. Rogers was chosen recorder of claims.

"10. Resolved, That we extend an invitation to settlers coming among us to attach themselves to our association.

"11. Resolved, That we present a copy of the proceedings of this meeting to the Omaha *Arrow* for publication.

"On motion, the meeting adjourned to meet at the same place on the 14th day of October next.

"WM. N. BYERS, Secretary. J. M. ARNETT, Chairman."

[1] Braud Cole was elected president and Gardner Powers secretary of this association. The constitution was signed by twenty-eight members.

[2] Nebraska *Palladium*, March 28, 1855.

[3] "ELKHORN CLAIM CLUB.

"The Omaha *Nebraskian* (October 29, 1856) gives an account of a meeting of the Elkhorn Claim Club 'in the town house in Elkhorn City' on the 11th of October, 1856. At this meeting Mr. Wheeler [first name not given] was elected president, and [John A.] Steinberger [first name not given] was secretary; and the by-laws were amended so as to read as follows:

"'Sec. 2. The officers of this Association shall consist of a President, Vice-president, Secretary and Recorder, to be elected by ballot.

"'Sec. 3. The duties of the officers shall be, for the President to preside at all meetings, call a meeting at the instance of any member or members, or when he may deem it necessary. The Vice-president shall act in the absence of the President. The Secretary shall keep a record of the proceedings of all meetings. The Recorder shall record all claims presented him for record, and his fees for recording shall be fifty cents.

"'Sec. 4. Each member of this Association shall be protected in the holding of 320 acres, 30 acres of which may be timber; and this may be in two or more separate tracts, and likewise hold shares or lots in town sites.

"'Sec. 5. Each claim shall be plainly designated, such designation shall hold said claim for thirty days, at the expiration of which time said claim shall be considered valid by making not less than fifty dollars worth of improvements upon it every three months, or two hundred worth per year, which must be done during the first three months, provided said claimant is not living upon it either in person or by tenant.

"'Sec. 6. We will protect all claims held by bona fide purchase, provided said purchaser, after the purchase, shall not have more than 320 acres in the territory.

"'Sec. 7. In case of any dispute between parties, relative to a claim, a meeting may be called and arbitrators appointed to settle the dispute, each party chosing one and the two to choose a third.

"'Sec. 8. In case of any person or persons jumping the claims of any of the members of this Association, a meeting may be called and proceed to the claim jumped immediately, the President acting as captain, and there, upon the claim, investigate the case, after which quietly and peaceably if possible, if not, by force, dispossess the jumper, and put the rightful claimant in possession.

"'Sec. 9. When the surveys shall have been made, and the land offered for sale by the United States, we will attend the sale and protect each other in entering our respective claims, each claimant furnishing the money for his said entry after the sales, and we are to deed and redeed to each other, so as to secure to each his original lines, and in case of pre-empting parties shall likewise deed and redeed to each other, so they shall have their original lines, and a bond for a deed shall likewise be given prior to the land sales.

"'Sec. 10. Any claimant within the boundaries of this Association can become a member by signing the by-laws.

"'Sec. 11. Persons holding claims appearing on record in other districts which are now within the bounds of this Association, shall be notified and have thirty days to have his claim recorded.

"'Sec. 12. After a person having become a bona fide resident, and made the necessary improvements, his claim shall be protected provided he may leave it for any reasonable length of time.'"

the land each has claimed, according to the lines now existing."[1]

The burden was on the jumper of any part of a claim in different tracts to show the excess over 320 acres in the total claim by the regular survey.

Alfred D. Goyer,[2] who had been a member from Douglas county of the first house of representatives, was unanimously awarded the formidable, if not dangerous title of captain of the regulators. The several associations in Douglas county were invited to meet the Omaha association in joint convention to establish more accurately the division lines, and for other purposes. Andrew J. Poppleton was an active member of this meeting, and Harrison Johnson,[3] O. D. Richardson, Samuel E. Rogers, I. Shoemaker, and A. D. Goyer were the committee on resolutions.

The *Nebraskian* of March 26, 1856, copies laws and boundaries of the club formed by the residents of the south part of Washington county. These laws provided that any person above sixteen years of age might hold a claim. The same journal of May 21, 1856, states that at a meeting of the Omaha Claims Association a resolution was passed requiring claimants to make improvements worth $50, and "begin to-morrow," in order to hold their claims. At Secretary Cuming's instance a resolution was passed directing that a copy of the resolutions of February 5 be left with the register of the county, and every claim-holder be required to sign them in order to come under their protection. This paper also contains an account of a summary eviction by the Omaha club. Four men had erected a cabin and prepared the foundations for three more on the "upper end of the town site," on the previous Saturday night. The "captain" had the work demolished promptly. It is stated that the jumpers intended to claim one hundred and sixty acres each, "worth in all at least $15,000."

From the *Nebraskian* of July 2, 1856, we learn that at a meeting of the claim club of Omaha, of which J. W. Paddock was now president and Dr. Geo. L. Miller, secretary, Mr. Poppleton, for the committee, reported resolutions, the preamble of which recited that it had come to the knowledge of the club "that divers evil-disposed persons will attempt by a secret preemption to steal from their neighbors lands assured and pledged to them by the laws of this association." They therefore resolved that:

"Whereas, if any person shall file a declaration of intention to pre-empt, or take any other step to secure a pre-emption upon lands not his own according to the laws and regulations of this association, this association, at the call of the Captain of the Regulators, will proceed to the premises on which such a statement has been filed or such steps shall have been taken, investigate the matter, and if such shall appear to be the fact, compel the party filing such statement to enter into bonds to deed by warranty deed to the respective owners all lands not his own included within the limits of such pre-emption or leave the country."

The federal principle of these claim clubs is illustrated by the proceedings of a county convention held in Omaha which was composed of delegates from Bellevue, Florence, and Omaha. Andrew J. Hanscom was chairman and Silas A. Strickland, secretary, of the convention, which resolved that,

[1] The Omaha *Nebraskian*, February 6, 1856.

[2] Alfred D. Goyer, member of the lower house of the 1st territorial assembly of Nebraska, representing Douglas county, was not a man of particular prominence in that body, so far as the records disclose. He was born in Michigan, about 1822, lived in Omaha at the time of his election, and gave his occupation as that of a farmer. He was chairman of the committee on agriculture, and submitted a lengthy report, which abounded in good suggestions for the development of the agricultural interests of the territory.—(See House Journal, 1st General Assembly, p. 139.)

[3] Harrison Johnson was born near Dayton, Ohio, November 18, 1822. Married Miss Minerva Hambright, in Montgomery county, Illinois, in 1843. From there he went to Columbia, Missouri, and from there to Pike county, Illinois. In 1854 he came to Omaha, Nebraska, where he resided until the spring of 1880, when he removed to Brown county, Nebraska, near Johnstown, where he died October 6, 1885. The family consisted of ten children—seven sons and three daughters. Mr. Johnson, being one of the first settlers in the territory, an active participant in all that was going on, became well-acquainted with its history. He published the first "History of Nebraska," in 1880, also a number of other volumes. He was a deep thinker, good scholar, and writer. He was widely and favorably known all over the state, in the advancement and development of which he always took a lively interest.

"When the lands are offered for sale each association shall elect its own bidder for bidding in lands comprised within its limits for the respective owners; and at such sale *we hereby agree to attend en masse, and there remain* from the opening of the same until the close thereof, and protect said bidder, *to any extremity if necessary,* in securing said lands at $1.25 per acre."

The convention further declared "that we will not hereafter recognize suits at law relative to claim matters."[1]

The preemption act of 1841, which was in force at this time, limited its application to citizens, and those who had declared their intention to become citizens of the United States, and in particular to heads of families, widows, and single men over the age of twenty-one years. Any one of these classes might settle on a tract of land, not exceeding one hundred and sixty acres, the Indian title to which had been extinguished, and which had been surveyed, and afterward by a proper showing he would be entitled to enter the land. Some of the claim clubs referred to were in operation from one to two years before the lands their members claimed had been surveyed, and doubtless the Indian title had not been extinguished in all cases. The act of the legislature validating the acts of the claim clubs contravened the federal statute, and no doubt its attempt to invest the clubs with legislative powers was without constitutional warrant. In turn the Douglas county convention of clubs, by the resolution just quoted, sought to override or annul that part of the legislative act which provided that, "Any claimant may protect and defend his possession by the proper civil action." Iowa had gone before Nebraska in this bold and original adoption of means to immediate ends and local wants:

"This occupation of land which had been recorded by the association was declared to be legal by the territorial legislature. But this decision was clearly contrary to the intent of the act of 1807. It was sanctioned, however, by a decision of the supreme court of the territory in a test case during the year 1840. Iowa, by this virtual annulment of the United States statute showed that independence characteristic of the commonwealth by which it became a state."[2]

It is interesting to note that these claim clubs were in operation at Burlington, Iowa, before there was any government, except by voluntary local organization, as well as before the lands had been surveyed; and, besides, occupation of these lands was in violation of the federal acts of 1807 and 1833. "On their way to the western prairies settlers did not pause to read the United States statutes at large. They outran the public surveyors. Soon after the close of the Revolutionary war they began to violate the ordinance of 1785 by settling on the public lands without obtaining titles. Later they ignored the act of 1807; and it is doubtful that the early settlers of Iowa ever heard of the act of March 2, 1833. Some were bold enough to cross the Mississippi and put in crops before the Indian title had expired. . . . Hundreds of thousands of settlers from every part of the Union thus squatted on the national commons, all without the least vestige of legal right or title."[3]

In both Nebraska and Iowa the squatters on lands were fully protected by the unauthorized, if not positively illegal rules and promises of the claim clubs. Mr. James M. Woolworth was able to write in 1857: "These regulations afford pretty safe possession to the actual settler; although it can hardly be doubted, that the law of the territory conferring legislative authority on the clubs is unconstitutional."[4]

The testimony from Iowa is more emphatic: "When the land was placed on the market by congressional authority the decrees of the associations were completely enforced. No difficulty was experienced on the part of the original claimants in securing, through

[1] See the Omaha *Nebraskian*, July 16, 1856.

[2] Constitution and Admission of Iowa. *Studies in Historical and Political Science*, vol. 18, p. 11, Johns Hopkins University, 1900.

[3] Benj. F. Shambaugh, Frontier Land Clubs or Claim Associations. Ann. Rept. Am. Hist. Assn., (1900), vol. 1, pp. 70, 71.

[4] Nebraska In 1857, p. 51.

their special delegates, at a nominal rate, the lands which they had taken."[1]

In speaking of the efficacy of these invalid laws Mr. James M. Woolworth said: "Still public opinion is more than law."[2] That was a sage observation of a man only twenty-eight years old, and it was more than a hint of the distinguished jurist of riper years. He might have cited in contrast the prohibitory liquor law of the first session, which had been a statute for two years only to vividly illustrate the converse proposition that a valid law without public opinion behind it is a dead letter.

Part fourth of the laws of the first session contained ten enactments for locating and establishing as many territorial roads as follows: From Omaha City to Cedar Island in the Platte river; from Plattsmouth to Archer and the Kansas line; from some suitable point on the north bank of the Platte river to Dakotah; from Pawnee to Nebraska Center; from Brownville to Marshalls Trading Point on the Big Blue river; from Tekamah to Pawnee; from Florence to Fontenelle; from Nebraska City to Grand Island; from Bellevue to Catharine, in Cuming county; and from De Soto to Pawnee. Some of these laws simply named the termini of the proposed road, the three commissioners, and the time and place of their meeting to begin the work. Others specified the compensation of the commissioners and of the surveyor they were authorized to employ, and provided that these expenses should be paid pro rata by the counties through which the road passed, and that the survey of the line should be recorded in each of the counties. The enactment for the Plattsmouth-Archer road was exceptional in providing that, "It shall be the duty of the probate court of each county through which said road may pass to open and keep the same in good traveling order to the width of thirty feet."[3] As probate judges were by statute charged with "the management of all county business" it is presumable that the power to open these roads lay in them.

As the territory had not been surveyed at this time the general law passed at this session of the legislature for establishing township, county, territorial, and state roads provided that they should be surveyed by the commissioners appointed to establish them, who should carefully note the course, distance, and general topography of the country adjacent to such line.

"To perpetuate such survey the surveyor shall cause to be planted or driven in the ground marking such line good and permanent stakes of durable wood, and such stakes shall have a height when so planted of not less than three feet and a face of not less than three inches, and they shall be planted at intervals of not more than three hundred yards, and at every angle in such line, and at the end of every mile (which last named shall be numbered from the starting point) there shall be planted a post at least four inches square and four feet in height. All mile stakes shall be lettered and numbered with durable paint or with an approved instrument."[4]

The act provided that all public roads should be sixty-six feet wide, and this width has been adhered to down to the present time.

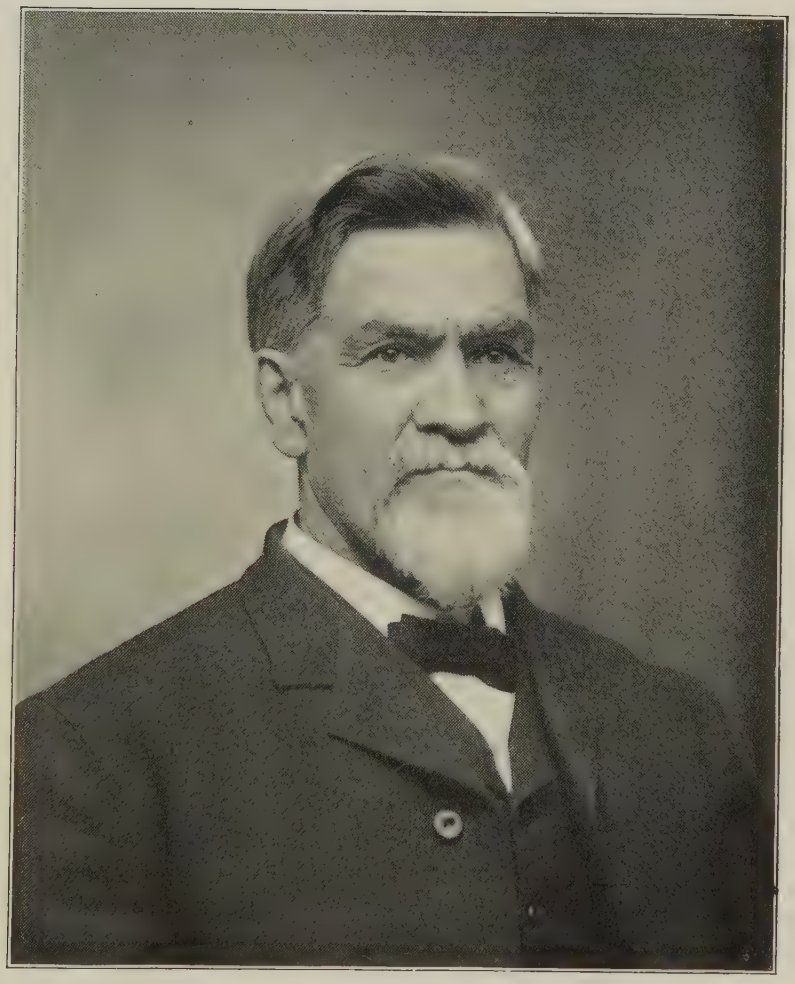
The enactments of part five define the boundaries and establish the seats of justice of the eight original, and sixteen additional counties, none of the first eight, however, retaining its original form; and the name of Pierce was changed to Ottoe and Forney to Nemaha. The county seat of Burt was fixed at Tekamah; of Cass, at Plattsmouth; of Dodge, at Fontenelle; of Douglas, at Omaha City; of Nemaha, at Brownville; of Ottoe, at Nebraska City; of Richardson, at Archer; and of Washington, at Fort Calhoun. All of these counties exist at the present time under the same name, and in the same general location, but not one of them with the same boundaries. Four—Dodge, Nemaha, Richardson, and Washington—have changed their county seats. Fontenelle is a mere hamlet in Washington county. It has no railroad connection; it lost the county seat in 1860, and gave up its long

[1] Constitution and Admission of Iowa. *Studies in Historical and Political Science*, vol. 18, p. 11, Johns Hopkins University, 1900.

[2] Nebraska In 1857, p. 51.

[3] Laws of Nebraska, 1st Sess., p. 330.

[4] Ibid., p. 204.



Eugene Munn

struggle to establish Nebraska University in 1873. Brownville, then of metropolitan pretensions, is now a distinctively rural way station; Archer has been wiped from the map; but Ft. Calhoun remains as a flourishing little village in Washington county.

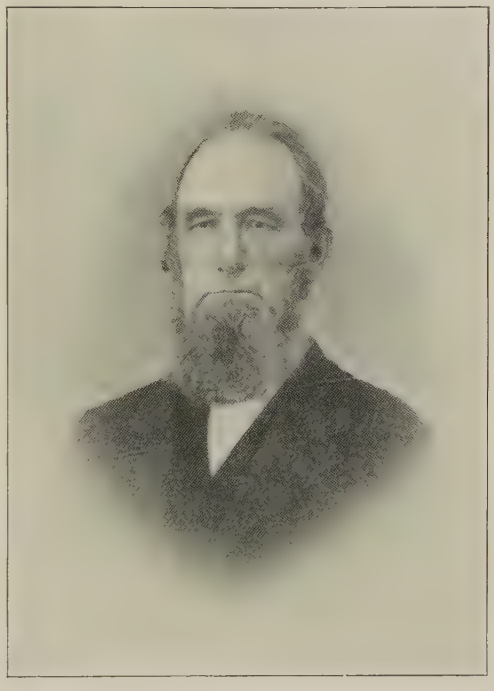
It is an interesting fact, which indicates the progress of the survey at the time, that Richardson county alone is bounded by numbers, that is, township, range, etc. The east line was the middle of the main channel of the Missouri river extending from the Kansas line "until it intersects the line dividing townships 4 and 5 north, provided said line does not intersect the Missouri river above the mouth of the little Nemaha." But since the line dividing townships 4 and 5 north intersected the Missouri river several miles above the mouth of the little Nemaha, and the southern line of Nemaha county was to run due east along the north border of Richardson, there was a small triangle, between the Missouri river and the little Nemaha where it enters the Missouri, technically left out of both counties.

Of the sixteen new counties, those which survive in name and include a part of their original territory, though greatly changed in boundary, are Buffalo, Cuming, Dakota, Gage, Lancaster, Saline, Pawnee, and York. Blackbird, Clay, Greene, Izard, Jackson, Johnston, Loup, and McNeale have disappeared from the map. Clay and Loup remain in name, but far west of their first location. The present Clay county was established in 1867. There was a beginning of a town or village, at Blackbird City, Nebraska Center, Catharine, and Pawnee, the designated county seats respectively of Blackbird, Buffalo, Cuming, and Loup counties, but they have all disappeared. The site of Pawnee, the designated capital of Loup county, is covered by the present city of Columbus. Neither Clayton, the designated county seat of Clay, Hunton, of Izard, nor Manitou, of McNeale county ever existed except in name. For some reason not obvious the legislature specified that the name of the prospective capital of Johnston county should be Frances; but with obvious regard for congruity it also provided that the seat of justice of Jackson county should be Jacksonville; of Saline, Saltville; and of Pawnee, Pawnee Village. Despite the promising strength and preservative vigor of a Jacksonville and a Saltville, which should have yielded something more than a name, neither of these pretentious paper capitals ever had a local habitation. The several acts establishing Gage, Greene, Lancaster, and York counties named the commissioners who should locate the county seats.

All of these counties were included in judicial districts by the act of the first legislature, and by the act of 1857 Lancaster is put in the first, and Clay in the second judicial district. The governor appointed the necessary county officers in the first instance who served until the first general election provided by the act of the first legislature, held in November, 1855. A sheriff, judge of probate, and register of deeds were appointed for Blackbird county in the spring of 1855; but the county was never included in an apportionment of representatives, and no election returns from it are recorded. Neither Jackson, Johnston, Loup, nor McNeale county appears to have performed any organic function; but though Izard was never assigned representation in the legislature, it voted at the general election of 1859, and, like Monroe county, thereby caused much scandal in the congressional contest which ensued. Blackbird county was absorbed by Dakota county and the Omaha reservation in 1855–56; Clay by Gage and Lancaster in 1864; Greene and Izard were changed in name to Seward and Stanton, respectively, in 1861–62; Jackson and Johnston were absorbed by Nemaha, Clay, and Saline, and Loup and McNeale by Izard, Madison, Monroe, and Platte in 1855–56. The place of the former Izard was taken by Dixon and Pierce counties. The counties of Gage and Johnston elected local officers in 1857. Dakota county voted, in addition to the original eight counties in 1855, but was not apportioned for representation, while Pawnee was apportioned, but is not found in the election returns of that year. Clay, Cuming, and Lancaster were

apportioned in 1856, but apparently did not vote that year. Clay, Dakota, Gage, and Pawnee voted at the general election of 1857, and all were apportioned. Buffalo, Cuming, Lancaster, and Saline do not appear in the general election till 1859, and York's first appearance was in 1870.

Part sixth is devoted to thirty-two special acts of incorporation. Two of the companies were incorporated for the manufacture of salt; one of them to carry on business "at a place they may select within five miles of a saline spring in Otoe county," the name of the place to be Nesuma; the other to manufacture salt "from the salt springs near Salt creek." The Platte Valley & Pacific railroad company was incorporated for the purpose of building a railroad and telegraph line from the Missouri river at Omaha City, Bellevue, and Florence up the north side of the Platte river to the west line of the territory, with power to connect with other roads or extend its own line where the laws of other states and territories should permit. The Missouri River & Platte Valley railroad company was empowered to construct a road from Plattsmouth by way of Fort Kearney and Fort Laramie to the western limits of the territory.



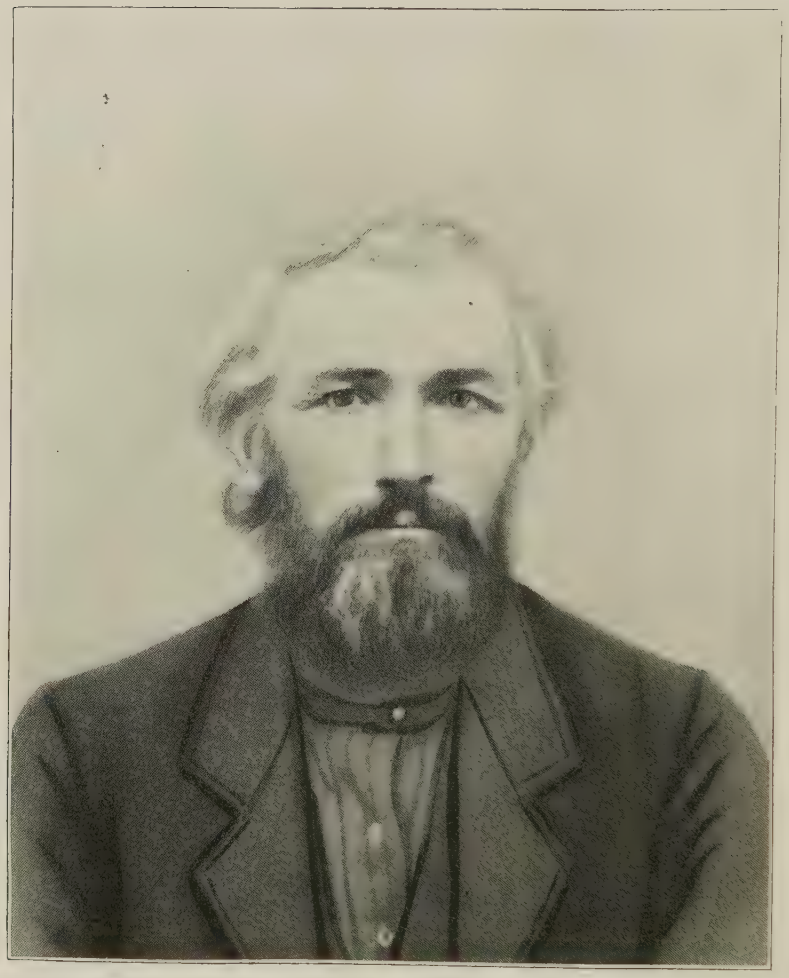
ENOS LOWE[2]
PRESIDENT COUNCIL BLUFFS AND NEBRASKA FERRY COMPANY

The Nebraska Medical Society[1] was incorporated with Dr. George L. Miller—who was, however, destined to an important career in the wider field of journalism and politics—at the head of the list of incorporators. Three educational institutions were also chartered, namely, Nebraska University, at Fontenelle, Simpson University, at Omaha City, and the Nebraska City Collegiate and Preparatory Institute at Nebraska City. The extreme paucity of the real resources of these institution-builders doubtless stimulated a more or less unconscious attempt to make up for the serious deficiency with imposing and pretentious names. The first named university was the only one actually put in operation; but, as if predestined, after an almost vain continuous struggle, creditable only to the courage and fortitude of its abettors, it yielded its life in 1873.

Of the fourteen hamlets—and some of these not actual but merely potential—which under this division were awarded municipal charters, only three, Margaretta (named after Governor Cuming's wife) of Lancaster, Brownville of Nemaha, and Elizabeth "of the counties of Dodge and Loupe" were abased with the title of town—all the rest were styled

[1] The following were the incorporators of the first Nebraska Medical society: Dr. George L. Miller, Dr. B. Y. Shelly, Dr. Munson H. Clark, Dr. Henry Bradford, Dr. John C. Campbell, Dr. Joseph Venable, Dr. Josiah Craine, Dr. Samuel Wilson, and Dr. James Stokes.

[2] Enos Lowe, pioneer of Omaha, was born at Guilford Court House, North Carolina, May 5, 1804, and died in Omaha, Nebraska, February 19, 1880. When about ten years old he removed with his parents to Bloomington, Indiana, and while he was still very young began the study of medicine. By his own efforts he accumulated enough money to enable him to graduate from the Ohio Medical College, at Cincinnati. He immediately began the practice of his profession at Greencastle, but later removed to Rockville, where he resided some years. While in Indiana he was a member of the state legislature. In 1837 he removed to Burlington, Iowa, where he practiced his profession for ten years. In 1847 Dr Lowe was appointed receiver of public moneys at the land office in Iowa City, continuing in office four years. In 1853 he was appointed to the same office at Kanesville (Council Bluffs). He remained in that office two years, and in the meantime, with some friends, organized the Council Bluffs & Nebraska Ferry Company, of which



George Wright

"city," and some of these first municipal blooms were born to blush unseen.

Of the thirty-seven bridge and ferry charters under part seven, twenty-two are for ferries across the Missouri river, and two of these charters confer the right to construct bridges also. Of the remaining fifteen five are for bridges, two for bridges and ferries, three for bridges or ferries, and five for ferries alone across the important inland streams.

Whatever difference of opinion may be entertained as to the virtue and abilities of the first Nebraska legislators, their individual prudence and thrift are beyond question. They bestowed on one another and their relatives the privileges and potential emoluments of these special corporations without stint and with apparent generous impartiality, so that their patronymics appear almost as regularly as beneficiaries of these special privileges as in the ordinary proceedings of the legislature. They lost no chance to "cast an anchor to windward." With remarkable disregard of the law of environment these denizens of the desert with one accord conceived a passion for navigation. Not less than twenty-one of the thirty-nine members were actually named in these transportation charters. We are not surprised that Mitchell, whose raw material as a violent opponent of Omaha in the capital contest had been manipulated into the glad commissioner for locating the state house on Capitol Hill, led all the rest with six of these tokens of appreciation of open-mindedness, and Dr. Clark of Dodge and Nuckolls of Cass followed with three apiece. The Council Bluffs and Nebraska Ferry company is, however, an apparent exception, for its charter runs to Samuel S. Bayliss,[1] Enos Lowe, James A. Jackson,[2] Jesse Williams,[3] Samuel M. Ballard, Samuel R. Curtis,[4] and their associates. Whether the majority of the members were

he was president. This ferry company became a strong organization and a most important factor in transportation across the Missouri river and in the settlement of Nebraska territory. While a resident of Iowa Dr. Lowe was a member of the Iowa legislature, and president of the senate; also a member of both constitutional conventions. Before the territory of Nebraska was officially opened for settlement Dr. Lowe and several others obtained the consent of the Omaha Indians to make a settlement on the west side of the Missouri river, and they immediately laid out a town site, now Omaha. He soon moved to Omaha and resided there until his death in 1880. Many important enterprises owed their existence to Dr. Lowe, among which may be named the Omaha Gas Manufacturing Company; The Omaha and Southwestern Railroad Company (now a part of the Burlington system); the organization of the State Bank of Nebraska; and the Grand Central Hotel Company. At the outbreak of the civil war Dr. Lowe, though advanced in years, at once entered the service as surgeon of the 1st Nebraska regiment. The regiment was assigned to the Department of Missouri, under General Curtis, but Dr. Lowe was soon after transferred to the army of the Cumberland, where he served as brigade and division surgeon until failing health compelled him to resign. He was married, July 22, 1828, to Kitty Ann Read, a native of Mercer county, Kentucky, who died at Burlington, Iowa, in 1870. His only child, William W. Lowe, now deceased, was also a soldier and distinguished officer in the Civil war.

[1] Samuel S. Bayliss and Alexander Davis built the first steam saw-mill in Omaha, just north of the present site of the Union station, in the fall of 1854.

[2] James A. Jackson was a member of the firm of Tootle & Jackson, of Council Bluffs, Iowa. This firm established the first general store in Omaha, on Farnam street, in the spring of 1855.

[3] Jesse Williams was a member of the firm of Henn, Williams & Co., of Council Bluffs.

[4] Major-General Samuel Ryan Curtis was born in Ohio, February 3, 1807, and died in Council Bluffs, Iowa, December 26, 1866. He was appointed to a cadetship at West Point, in 1827, graduating July 1, 1831. Appointed brevet second lieutenant in the 7th infantry, served in Arkansas, but resigned June 30, 1832, and engaged in civil engineering in Ohio. He was admitted to the bar in 1841, and practiced at Wooster, Ohio, until the commencement of the Mexican war. He was made colonel of the 3d Ohio regiment of infantry volunteers for the Mexican war, which position he held until his regiment was mustered out of service in 1847. In the latter year he accepted the office of chief engineer on the Des Moines river improvement, in Iowa, and removed to Keokuk, in that state. In 1855 he was elected mayor of Keokuk. He represented the 1st congressional district of Iowa, as a republican, in the 35th, 36th, and 37th Congresses. In Congress he was chairman of the committee on the Pacific railroad, and introduced a bill for the construction of this road by the central or Platte river valley route, with branches at each end, entirely similar to the bill finally passed by Congress. While at Council Bluffs, Iowa, on a campaign tour, in the summer of 1859, Colonel Curtis left his district, to serve as a volunteer aide on the staff of General John M. Thayer, during the campaign of that year against the Indians in Nebraska. With the outbreak of the Civil war Colonel Curtis assisted in organizing the 1st, 2d, and 3d regiments of Iowa infantry volunteers, being appointed colonel of the 2d regiment. From this time until the close of the war, General Curtis was a prominent and conspicuous figure, and in that great struggle few won greater renown than did the "Hero of Pea Ridge." After the close of the war, General Curtis was appointed one of the government directors of the Union Pacific railroad, and it was on the occasion of a meeting of the board at Omaha that he was attacked by his last illness. He was hurried in a carriage to the home of a friend in Council Bluffs, where he passed away in a few hours.

reluctant to add further evidence to their conduct in the capital contest of "Jim" Jackson's very practical control over, or his practical obligation to them, by being named as co-beneficiaries in their valuable gift to his company, or whether that efficient agent of Omaha's interests felt, as he no doubt would have been justified in feeling, that he had done quite enough for them in the capital enterprise without letting them into this one, is not a matter of public record; but either hypothesis would serve to explain the singular omission.

By these charters exclusive right to maintain ferries between the mouth of the Platte and a point five miles north of Florence was granted to the companies at that place, at Omaha, and at Bellevue. The entire river front was parceled out to them. As a further example of the monopolistic character of these grants, the company at Tekamah had exclusive rights for a distance of ten miles.

Predatory Omaha having left no other hope or consolation to Bellevue, but in righteousness, her spokesman of the *Palladium* is resolved to make the most of it, and the voice he raises for virtue is as that of one crying aloud in the wilderness.

"No inconsiderable portion of the present session of our territorial legislature has been spent in creating corporations.—This has been done notwithstanding the democratic creed denies the doctrine of 'chartered rights' and 'exclusive privileges,' and in theory maintains the doctrine of equal rights. We say that a large portion of the present session has been spent in the creation of paltry corporations, and petty monopolies, which enable a few individuals to bar away the public from privileges to which they are inherently entitled, and have as good a right to exercise (if the doctrine of democracy be true) as those whom the law says shall have the exclusive right. The liberality of the legislature has been most profuse in granting exclusive privileges to individuals and companies. In proof of this look at the single item of 'ferries.' . . . 'Paper towns' are pretty thickly established up and down the river nearly the whole length of the territory. . . . Charters have been called for at nearly every place. . . . Not content, however, with the establishment of a corporation for each of the places referred to. We notice one of a broader character designed to cover the whole extent of the river from one end of the territory to the other, not already covered by other charters. Numerous charters have been procured by companies or individuals for ferry privileges in different portions of the territory, where there are no settlements nor any likelihood of their [there] being any for many years to come. . . . We presume most of these charters have been procured for no other purpose than speculation. A charter when once obtained gives the possessor the power of making something off of the public, without having made the least expenditure for the benefit of either."

And then this Isaiah in idealism and Jeremiah in lamentation rebukes these monopoly-servers with the charge of early recreancy to their democratic faith:

"A large majority of the members of the legislature claim to be the disciples of democracy, and yet, we have never known an instance where the zeal of a whig legislature, led it to bestow charters with that degree of liberality which our legislature has manifested in its creations of monopolies. We look upon this charter-making spirit as democratic heresy of the vilest kind, and more becoming whig faith than democratic practice. If whig principles are the best for the practice of democrats, in other words, for adoption in practice, we have no objection to them—providing the theory is adopted along with the practice. . . . The democratic theory says, avoid special legislation—shun monopolies. The policy of the legislature appears to have been to cover as large an amount of both land and water with chartered privileges as possible."[1]

Such are the momentum and inertia of the crowd that the influences of a half century may change its course or character but little. Substitute republican for whig—bearing in mind that the republican party succeeded to the economic principles or dogmas of the whig party—and this pronouncement of the *Palladium* would be a typical democratic newspaper article for to-day.

Part eight consisted of an even score joint resolutions and memorials.[2] Congress was

[1] Nebraska *Palladium*, February 28, 1855.

[2] Laws of Nebraska, 1st Sess., p. 451.

memorialized for the right of way and grants of land for the construction of the Missouri River & Platte Valley, and the Platte Valley & Pacific railroad companies; to establish a safe route for mails and other communication between the Missouri river and California and Oregon; and the secretary of war was requested to send without delay a sufficient military force to afford protection to the frontier settlements from Indian depredations. Among the joint resolutions are requests to the delegate in Congress to procure a pension for the widow and heirs of Governor Burt and means for the erection of a monument to his memory, and to procure the passage of a homestead law similar to the laws of Oregon and New Mexico; requesting the governor to commission officers to raise two or more companies of mounted rangers for the protection of the frontier settlements; appointing Sherman & Strickland[1] printers of one thousand copies of the laws of the session, and O. D. Richardson and Joseph L. Sharp of the council and A. J. Poppleton and J. D. N. Thompson of the house, commissioners "to prepare a code of laws for the government of this territory and report the same to the legislature at the next session."[2]

The council was the mainspring, and the judiciary committee of the council the regulator of the first legislature. Most of the important legislation originated in the council, and a greater part of this either came from the judiciary committee originally or was submitted to its scrutiny and supervision. This was largely because the council contained the most dependable men of the legislature, because the judiciary committee was composed of the three most dependable men of the council—Richardson, Rogers, and Bennet—and above all, perhaps, because Richardson alone of the members of both houses was possessed of ripe age and legislative experience, besides legal knowledge, a more than ordinary share of ability, and a moral character which won and deserved the confidence of his colleagues. For his committee Mr. Richardson reported the bill (C. F. 133) to adopt certain parts of the code of Iowa,[3] the only change in it being an amendment by Jones to include chapter 61 of the Iowa code regarding private seals,[4] and it passed the house without amendment. The bill to adopt the criminal code of Iowa was first reported by the committee on printing,[5] but a substitute, reported by Bennet[6] from the judiciary committee, passed the council, and the house also without amendment.[7] The bill adopting the common law (C. F. 137) was introduced by Richardson, passed immediately by the council,[8] and afterward passed the house under suspension of the rules.[9] The bill to establish a common school system (C. F. 103) was reported by Rogers from the committee on schools and seminaries of learning (Rogers, Cowles, and Folsom) passed the council[10] after brief consideration in committee of the whole, and then passed the house with very little consideration and without amendment.[11] The no less important bill to provide territorial revenue (C. F. 98) was reported by Folsom,[12] chairman of the committee on finance, ways and means; a council substitute after passing that body passed the house without amendment under suspension of the rules.[13] The bill providing for county revenue (C. F. 104) was also reported by Folsom, but was referred to the judiciary committee,[14] whose substitute was passed by the house without amendment, under suspension of the rules.[15] The bill defining the duties

[1] John H. Sherman, editor, and J. B. Strickland, printer, of the *Nebraskian* of Omaha.

[2] In his paper on Legal Results of the Pioneer Session—*Proc. Neb. Hist. Soc.*, 2d ser., vol. 2, p. 158—Judge Samuel Maxwell commits the singular error of stating that Richardson and Thomson were special commissioners who reported these codes. They were in fact two of the four commissioners appointed at the first session to report a code at the second session.

[3] Council Journal, 1st Sess., p. 134.

[4] Ibid., p. 136.

[5] Council Journal, 1st Sess,, p. 113.

[6] Ibid., p. 121.

[7] Ibid., p. 123. House Journal, 1st Sess., p. 120.

[8] Council Journal, 1st Sess., p. 143.

[9] House Journal, 1st Sess., p. 131.

[10] Council Journal, 1st Sess., p. 129.

[11] House Journal, 1st Sess., p, 127.

[12] Council Journal, 1st Sess., p. 106.

[13] House Journal, 1st Sess., p. 122.

[14] Council Journal, 1st Sess., p. 110.

[15] House Journal, 1st Sess., p. 122.

of judges of probate (C. F. 105) was introduced on leave by Jones,[1] but referred to the judiciary committee, from which it was reported back by Bennet and afterward passed the council in the form of a substitute;[2] it was then passed by the house without amendment and under suspension of the rules. The bill to prevent the sale or manufacture of intoxicating liquors (C. F. 102), which was introduced by Goodwill on leave,[3] was referred to the committee on judiciary, and after having been reported back by Richardson, "with several amendments" and favorable recommendation,[4] passed the council,[5] and then on the same day was taken up by the house and immediately passed under suspension of the rules with two dissenting votes.[6]

On the other hand, the council overrode bills proposed by the house with freedom and, as we have seen, with impunity. A bill (H. F. 111) "prohibiting the settlement of free negroes and mulattoes in the territory of Nebraska," introduced by Latham,[7] and which, if not barbarous and brutal, was certainly a piece of gratuitous stupidity, had been referred to the judiciary committee,[8] from which Mr. Poppleton reported it back with the recommendation that it be laid on the table, with the enlightened and judicious intent, let us believe, of suppressing it.[9] But it was subsequently taken up and passed under suspension of the rules, without division, so that there is no record of the vote. In the council, however, it fell into Richardson's hands in the judiciary committee, and, with the wisdom and discretion which we have learned to expect of him, he recommended its indefinite postponement;[10] which was accomplished on his motion on the same day by a vote of 7 to 4. Those voting nay were Bradford, Clark, Rogers, and Sharp.[11] A bill (H. F. 56) exempting homesteads from forced sale, which had been passed by the house after thorough consideration by a vote of 14 to 5,[12] was killed by postponement in the council.[13] The house had the temerity to strike out all but the enacting clause of a divorce bill (C. F. 54), which had been reported by Richardson of the judiciary committee and passed by the council, and to insert instead its own bill (H. F. 49).[14] But the council disagreed to the amendment, and the territory went without a divorce law until the next session of the legislature. It is not the least important or suggestive illustration of the rapidity of our social development that an expedient which fifty years ago was looked upon as a luxury, or at most a convenience, and which it was practicable to postpone indefinitely, is now a common necessary of our social life. The expedient of seeking a divorce by special act of the legislature was resorted to by Samuel King and Delila King, and a special committee of the house reported in favor of the passage of the bill.[15] But it fell into the hands of Mr. Poppleton of the judiciary committee, and on his report and motion was laid on the table.[16]

Neither the dominant spirit nor the general work of this first legislature may be commended or admired. It worked under abnormal conditions and without the restraints of organized society. There could be no appeal to public sentiment through public discussion —the present criterion and referee of public measures—because there was as yet no public. When the Israelite adventurers determined to appropriate Canaan, Moses sent twelve spies "to search the land." Our first handful of pioneers had come the very year of the first session to spy out the land while it was still in possession of its original occupants. Ten years before, Douglas had served unequivocal notice—in his bill of 1844—of the intention of the stronger to "go in and pos-

[1] Council Journal, 1st Sess., p. 110.
[2] Ibid., p. 124.
[3] Ibid., p. 109.
[4] Ibid., p. 113.
[5] Ibid., p. 122.
[6] House Journal, 1st Sess., p. 113.
[7] Ibid., p. 79.
[8] Ibid., p. 85.
[9] House Journal, 1st Sess., p. 110.
[10] Council Journal, 1st Sess., p. 133.
[11] Ibid., p. 136.
[12] House Journal, 1st Sess., p. 61.
[13] Council Journal, 1st Sess., p. 70.
[14] Ibid., p. 88.
[15] House Journal, 1st Sess., p. 65.
[16] Ibid., pp. 110, 112.

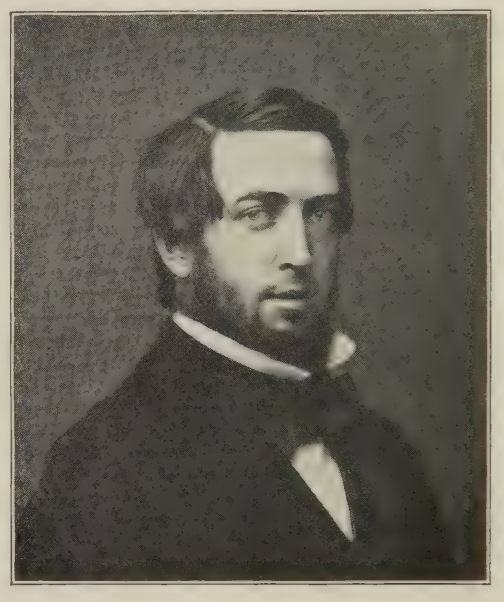
sess the land" of the weaker race. This was no new departure, but the natural process and the immemorial rule of the progress of civilization, and never perhaps pursued by the strong nations of the earth with such unanimity and aggressiveness as in the last quarter century. As a token of the refinement of civilization nineteen centuries after Christ in contrast to the barbarism of fifteen centuries before Christ, unlike the Israelitish summary dealing with the Canaanites, our pioneers offered the people the grace of peaceful, as the alternative of enforced surrender of their homes! But the difference was merely conventional, and there was the same notion and spirit of conquest and force in the one case as in the other. The chief difference between these beginning years of Nebraska and those of the easterly territories was that while, owing chiefly to the legal barrier against gradual occupation of this forbidden "Indian country," our invasion was sudden and comparatively artificial and superficial, their settlement was the result of steady purpose, and their institutions, accommodating themselves to these conditions, were more the product of growth and development. In short the differentiation of Nebraska territory was that it did not grow but was made.

As there was no settled citizenship to consult, many of the legislators themselves refraining yet to "declare their intentions" to cast their fortunes in this untried and uncertain desert, the first legislative session was a game of scramble with "the devil take the hind-most" for its guiding rule. As the population of prospectors had brought nothing to begin with, their very first acquisition centered in the prospective capital—in the process and methods, as well as the place of fixing it. Every other act of the legislature was subordinate and subsidiary to this one measure and motive of creating something for a commonwealth composed mostly of speculators and largely of carpetbaggers. It does not disturb this proposition that such men as Thomas B. Cuming, O. D. Richardson, Samuel E. Rogers, A. D. Jones, Andrew J. Poppleton, George L. Miller, A. J. Hanscom, and Thomas Davis remained—and some of them to this day—to be capable builders of their city and their state, and to illustrate staunch citizenship therein. For if their main object in making Omaha a place by placing the capital there had failed, not all of them would have remained in Nebraska, and none of them in Omaha, for there would have been no Omaha—at least none worthy to command such capable handiwork as theirs. In successfully pressing on to the mark and prize of their calling, the leaders of the capital contest exhibited ability and skill of no mean order. As for the rest of the work of the legislature, as we should expect from such conditions, that which was not merely indifferent must be rated as bad.

The *Arrow* of Omaha and the *Palladium* of Bellevue mirror many interesting incidents of the first days of civilized and organized Nebraska. In its initial number the *Arrow* instructs those not to the manner born as to the pronunciation of Omaha: "As many of our foreign friends will be unable to pronounce this word we will from our Indian dictionary assist them. The proper pronunciation is O-mah'-haw, accenting the middle syllable." Since the editor was a tenant at will of the Omaha tribe, and a few weeks later published an admirable description of the village of the tribe which was situated about seven miles to the southwest, he could speak ex cathedra. But civilized usage has sacrificed melody and euphony to convenience by forcing the accent back (or forward?) to the first syllable. The same inexorable mechanical law of civilization has substituted for the beauteous, unconventional slopes and freely irregular lines and the groves as nature placed them, streets, and grades and cuttings and piles of brick and mortar, all in hard-and-fast and stiff rectangular lines; and the groves have been wholly sacrificed to the same Moloch. But by the law of compensation this is the price of progress.

October 6 the *Arrow* notes that in his recent visit to Omaha City the commissioner of Indian affairs "found no fault with the settlers for the occupancy of the land," and to invest

this official wink with still greater suggestiveness it is further stated that "a gentleman who accompanied him here purchased a number of lots." The same issue notes "long trains and large herds of stock daily arriving at Bluff City and crossing to Omaha on the steam ferry, Marion." On October 20 the *Arrow* announces that at the late session of the Iowa conference at Keokuk, a new district, known as the Nebraska and Kansas missionary district, was established, at present under Presiding Elder M. F. Shinn of Council Bluff City, the stations in Nebraska being Omaha City and Old Ft. Kearney. This was doubtless the first formal invasion of Nebraska by the great pioneer Methodist church. The same paper, on November 3, gave the following interesting statement of the beginning of Tekamah: "The Nebraska Stock Company . . have, . . upon their claimed lands, some fifty-five miles North of this place, . . laid off a beautiful town or city platt called Tecamah. The county is called Burt, . . after our late respected and lamented Governor." The same issue argues in favor of holding a mass democratic convention to nominate a candidate for delegate to Congress. And notice of the advent of the first physician of Omaha is of more than passing interest: "Although but little sickness pervades our prairie land we can but congratulate our citizens upon the acquisition of a young and apparently well qualified physician to our society." The first editor of Nebraska little knew how peremptorily the career of Dr. Miller, the first physician of Omaha, was to require a slight distortion of the meaning of what he was writing. It was not in the professional, but in a much wider sense that Dr. Miller was to become a physician to Omaha in her subsequent ills and ailments. On the 10th of November the *Arrow* notes that a new town has been laid off one mile below the mouth of the Platte river and lots were to be sold on the 13th. "It is at present named Plattsmouth and will doubtless become a place of some importance."



DR. GEORGE L. MILLER
From a daguerreotype taken in 185?

In the same number the editor's quaint fancy runs on an excursion against the "new-fangled names which these reformers hitch on with a flourish to town sites, rivers, etc., throughout the territory." "It is not," he protests, "old fogyism to desire a retention of those names in our prairie land which have become as familiar as household words to pioneer men. Point us out if you can anywhere in the English language any names more musical or more appropriate to our territory than these which exist amongst the Indian tribes or have been affixed by old frontiersmen." And then he cites as examples of his outraged taste the substitution of Florence for the good old significant and appropriate name of Winter Quarters. "Next comes Belleview—a little better it is true—but partaking of the same fanciful air." The name of Ottoe, originally selected for the place now called Plattsmouth, "was a good one, and far better than the modern innovation. Mt. Vernon, the name of the beautiful site at the mouth of the Weeping Water, is another bad selection; why not call it after the pleasing name of the river?" "And so," he laments, "it is all over the territory; city and town sites, rivers, and creeks have with but few exceptions undergone an awkward and unbecoming change of names; an abandonment of these beautiful and original names which ofttimes lend an air of enchantment and pleasure to the place."

Thus at the beginning this voluntary denizen of the wilderness, untutored in the arts, expressed a truth that has rankled in the heart and mind of every sensitive citizen of the commonwealth to this day. And so it seems that taste, that unappraisable gift of God to His creatures—some of them—compound of sentiment and judgment, is born and not made. The schools may lead it out and rectify its vision, but if it has but being in the soul it will see straight and clear to the eternal fitness of things. What pity that our poet-editor was not a Poo Bah, with a lord high executioner resolute to enforce his decrees against these counterfeiters of names! Through our obtuseness or vanity or other infirmity general and irreparable violence has been done to the native names of Nebraska. It is slight consolation to know that this esthetic rape was not committed without protest—that at the first there was at least one eye to pity though there was no arm to save.

It is not likely that this frontier champion of propriety and esthetic sense knew that Washington Irving, high priest of fine taste, at a still earlier date lamented the same misfortune:[1]

"And here we can not but pause to lament the stupid, commonplace, and often ribald names entailed upon the rivers and other features of the great West, by traders and settlers. As the aboriginal tribes of these magnificent regions are yet in existence, the Indian names might easily be recovered; which, beside being in general more sonorous and musical, would remain mementoes of the primitive lords of the soil, of whom in a little while scarce any trace will be left. Indeed, it is to be wished that the whole of our country could be rescued, as much as possible, from the wretched nomenclature inflicted upon it, by ignorant and vulgar minds; and this might be done in a great degree, by restoring the Indian names, wherever significant and euphonious. As there appears to be a spirit of research abroad in respect to our aboriginal antiquities, we would suggest, as a worthy object of enterprise, a map or maps, of every part of our country, giving the Indian names wherever they could be ascertained. Whoever achieves such an object worthily will leave a monument to his own reputation."

The first number of the *Palladium,* July 15, 1854, states that John F. Kinney, who had lately been appointed chief justice of Utah, had given the name "Bill Nebraska" to his son, born at Dr. M. H. Clark's hospital, Nebraska Center, June 10, 1854—"the first white child born in the territory since the passage of the bill." Strong faith in the future development of the country is a characteristic of pioneers, and may be traced, in part at least, to the instinct of duty and necessity. It is cherished from the feeling, not always clearly conscious, that requisite courage and tenacity of purpose can not be sustained without it. A striking example of this kind of faith is found in a "puff" article about Nebraska which indulges in the prophecy that the Platte river will after a while become navigable. "According to the statement of experienced navigators on the upper Missouri the Nebraska [Platte] is now a much better stream for navigation than the Missouri was twenty-five years ago." This number also gives an account of the first formal celebration of Independence Day which took place at Bellevue. The characteristic serious religious-sentimental temperament of the editor is touched by the scene:

"The assemblage met near the Indian agency, under the broad canopy of heaven, and seemed to have hearts as expansive as the great scene of nature in which they were situated. If the spirit so beautifully and freely manifested on this soul-inspiring occasion, be an index to the future character of the vast multitudes who will soon come from the four quarters of the earth, to mingle in the pursuits and pleasures of this people, then it will be true, as it was remarked by one of the speakers, that 'this country will be, indeed the "Eden" of the world.'"

The editor himself was president of the celebration. A committee consisting of Judge L. B. Kinney,[2] Stephen Decatur, and C. T. Holloway presented patriotic resolutions which

[1] Astoria, p. 267.

[2] Lathrop Brockway Kinney, a brother of John F. Kinney, settled at Bellevue in 1854. He was one of the judges of the first election held in Sarpy county, after its separation from Douglas, May 25, 1857; first probate judge of Sarpy county, serving from 1859 to 1863, and was the second postmaster of Bellevue, succeeding Daniel E. Reed. He removed to Utah.

did not neglect to point out that Bellevue was the one and only place for the capital. A very long list of toasts which neglected few patriotic topics, and included "the ladies" in duplicate, were offered and responded to.[1]

The issue of August 16 states that "the Presbyterian board of foreign missions for the benefit of the Otoe and Omaha Indians was established in the fall of 1846," and "the mission buildings were built upon a large scale, having every necessary accommodation for one hundred persons." In the whole range of their descriptive articles we find these "rough" pioneers still harping on esthetic features. And so this mission, we are told, "is built upon the brow of an eminence that overlooks the majestic Missouri and surrounding country, and upon which nature has lavished her charms with unsparing profusion."

And then, moved to overstrain his eye of faith, the editor sees that "Belleview is destined by nature to become the metropolis of learning as well as of legislation and commerce in Nebraska." In eight months after these visions of glory had thus strained his aching sight, the confident prophet was to

[1] Following is the account by the Nebraska *Palladium*, of July 15, 1854, of the first formal celebration of Independence Day of which we have any record. If the reader will, by the easy stretch of his imagination, put himself in the place of these pioneers who had staked their lives and their fortunes in this untried and almost unknown wilderness, and in the midst of hostile savages, the recital of their patriotic observance of the day will thrill him with pathetic interest:

"We had the pleasure of spending this memorable day at Belleview City, and uniting with its industrious, hospitable and intelligent pioneer settlers, in celebrating the seventy-eighth anniversary of American independence.

"We never had the satisfaction of spending this interesting day more pleasantly than upon this occasion. The 'star-spangled banner' was hoisted at 12 o'clock, after which a salute was fired in succession for each State, and the great Territory of Nebraska. Every countenance was animated with pleasure, and radiant with anticipation of the future glory and greatness of the beautiful place where they were assembled.

"The assemblage met near the Indian agency, under the broad canopy of heaven, and seemed to have hearts as expansive as the great scene of nature in which they were situated. If the spirit so beautifully and freely manifested on this soul-inspiring occasion, be an index to the future character of the vast multitudes who will soon come from the four quarters of the earth, to mingle in the pursuits and pleasures of this people, then it will be true, as it was remarked by one of the speakers, that 'this country will be, indeed the "Eden" of the world.' It is our earnest prayer that this may be the case, and that this country may be preserved from the ravages of ignorance, vice, crime, and oppression. The country is large enough to accommodate fifty million inhabitants, and the hearts of the settlers large enough to receive them. We hope the landless, toil-worn sons of every clime may come and take possession of this rich, virgin soil, where they can earn a livelihood for themselves and families, and enough more to give their children that high degree of intellectual and moral culture, which become intellectual and moral beings.

"We noticed one feature in the moral character of these 'Nebraskians,' which afforded us more than ordinary pleasure. This feature was not merely visible, but *prominent*, and unmistakable. It was the spirit of toleration—the all-embracing spirit of human brotherhood—a disposition not only to live and let live, *but to help live*,—a disposition to build upon a foundation more lasting than time, and broad enough to embrace every principle needed in the development of social, intellectual and responsible beings. If this continues to be the ruling spirit here, the people will be as much distinguished for moral greatness and beauty, as the country is great and beautiful. Below we give the minutes prepared by the Secretary, together with the sentiments delivered upon the occasion:

"'The meeting was organized by choosing D. E. Reed, Esq., President, and M. P. Bull, Secretary. A committee was appointed, consisting of L. B. Kinney, STEVEN DECATUR, and C. T. HOLLOWAY, to draft resolutions expressive of the sentiments of the meeting, who reported the following preamble and resolutions:

"'"Whereas, we, the citizens of a free and independent republic, having met for the first time in this place, where the 'council fire' has often lent its cheer to the rude assemblages of our red brethren and predecessors; and where we intend to erect the sacred standards of civil and religious liberty for ourselves and our children; Therefore,

"'"Resolved, That as American citizens, we glory in the liberty achieved by our revolutionary fathers, and that we consider it not only a duty, but a privilege to meet on this beautiful spot, to commemorate the valorous deeds by which our fathers secured the present liberty and glorious prospects of those whom this interesting occasion has brought hither.

"'"Resolved, That Nebraska is now open for settlement, and that we will do all in our power to promote the interests, develop the resources, and secure the early settlement of our exceedingly fertile country.

"'"Resolved, That in the formation of our institutions and laws, we will cherish the memories of those philanthropists to whom we are indebted for the liberty, prosperity and happiness, we as a nation enjoy.

"'"Resolved, That Belleview, being the most central and commanding location on the Missouri river, has the strongest inducements for the location of the Territorial capital, and that no other place can present so many inducements for its location as BELLEVIEW."

"'The committee then reported the following toasts, which were received with enthusiastic applause:

"'"*The day we celebrate*—The political Sabbath of Freedom—may its annual return be greeted by joyous and glad hearts, until the sun shall shine on a world-bound Republic."

"'"*George Washington*—First in war, first in peace, and first in the hearts of his countrymen."

"'"*The Army and Navy of the U. S.*—Freedom's safe-guard."

"'"*The President and acting vice-president of the U S.*—May they preserve pure and unimpaired, the glorious principles of the Constitution."

"'"*The signers of the Declaration of Independence*—we will cherish their memories and emulate their bright and glorious examples."

abandon the fruitless and hopeless field. Mr. Reed's judgment was at fault in that it had failed to apprehend that the period of nature-made capitals had been superseded by man-made capitals. Henceforth railways and not God-chosen sites were to locate the important towns, and the destiny of railways is dictated by men. In brief, man was not only to propose but also almost absolutely to dispose of town sites. When in 1856 two or three railway magnates diverted the Rock Island line from the proposed Pigeon Creek route to the Mosquito Creek route Omaha's permanency became possible and probable. When, in 1867, the Union Pacific bridge was located at Omaha after a fearful struggle between men, Omaha was made and Bellevue's last hope was destroyed. Again the editor's vision of the coming educational and political capital was quite right in general and wrong only in particularizing. When a dozen years later men, violating all the old rules of town-making, and turning their backs on every site of nature's choice, commanded, "Let there be a capital to be called Lincoln at nowhere"—and there was a capital—the orthodox editor could not have comprehended that his prophecy of a capital though not of his capital was true.

The *Palladium* of November 29 calls attention to the fact that, "in accordance with the custom of our Puritan ancestors" the acting governor had designated the 30th of that month as the first Thanksgiving day. The editor is a moral exotic, somewhat misplaced in this western desert, and fitter for the society of eastern roundhead than of western

"'"*The Spartan mothers of the American Revolution.*"

"'"*The Union*—It must and shall be preserved."

"'"*Nebraska*—The future Keystone of the Federal Arch."

"'"Come out to the West; no longer remain
In the land where old Mammon doth reign.
Oh, come to Nebraska, the haven of rest,
Where the poor and the needy shall ne'er be oppressed.
Our soil it is rich and our prairies are wide;
The latch-strings of our cabins hang always outside.
A right hearty welcome a stranger will find,
For the sons of Nebraska are social and kind."

"'"*Knowledge*, the principle that sustains Republics."

"'"*Our friends crossing the Plains*—May they enjoy this day as happily as we have. Yet we regret their absence, esteem their friendship, and wish them prosperity thro' life."

"'"*The Press*—The great lever that prompts human action—may they who conduct it always be in favor of *Union*."

"'"*Belleview*—The Belle of the West—the beauty of Eden, and the center of our Union."

"'"*The Ladies*, We greet them with their happy smiles, upon the virgin soil of Nebraska, and thrice welcome them to the pure, free and glorious land of the West."

"'VOLUNTEER TOASTS.

"'By S. DECATUR—

"'"*The Friends of Nebraska in Congress*—Men of keen political foresight—posterity will honor them, and their names will not be lost in the history of political events."

"'By I. H. BENNETT—

"'"*Our Government*—May honest men, pure principles, and progressive action, govern her Councils."

"'SAME—

"'"Nebraska first, Nebraska last, NEBRASKA ALWAYS!"

"'By S. ALLIS—

"'"I have spent thirty years of my best days on her beautiful soil, among our native American brethren; I hope to live to spend twenty years more on this same soil, to see her great improvement."

"'By L. B. KINNEY—

"'"*The Star of Nebraska*—The glorious emblem of greatness—the mighty sword of our Union—may it break the bonds of oppression, and open the fountain of knowledge."

"'By MAJ. GATEWOOD—

"'"*The Spirit of Nebraska*—May it continue to flow and expand until the great temple of Liberty, shall, from one entrance to the other, feel the effect of its exhilarating influence."

"'By D. E. REED—

"'"*The Ladies*—The purest and richest of God's blessings—May their smiles enliven, their hearts appreciate, and their hands extend, to receive a worthy friend, when *he* shall be found—wanting."

"'By C. E. WATSON—

"'"*Education*—The basis of all sound institutions—May the time come when it shall be placed within the reach of every man."

"'By M. P. BULL—

"'"*Fourth of July*—May happiness prevail in Nebraska in the future as it has this day."

"'SAME—

"'"*Mrs. C. D. Robinson & Mrs. I. H. Bennett*—May they be rewarded for that generosity by which they were prompted to the toilsome sacrifice required in providing so rich and elegant a repast as that which we have now enjoyed."

"'SAME—

"'"*Maj. Gatewood*—the efficient Indian Agent—he who has obtained in the minds of the people, a strong hold—may he prove as effective in the settlement of Nebraska as he has in purchasing it."

"'The latter toast was responded to by Major Gatewood in a brief, but happy, manner. And all were received with prolonged applause and firing of guns.

"'On motion, it was Resolved, That the meeting adjourn, to meet at this place on Tuesday, July 18th, at 9 o'clock A. M.

"'Good speakers are expected, and refreshments will be prepared.

"'M. P. BULL, Secretary. D. E. REED, Pres't.'"

cavalier. And so he moralizes: "Although we have, as in all new countries, comparatively little to be thankful for, we have sufficient to inspire our gratitude and praise." It is difficult for this severe purist to acknowledge anything good in a free lance like Governor Cuming, but he comes to it grudgingly and characteristically:

"We have reason to be thankful, that the Governor has thus publicly acknowledged the SUPREME RULER, and recommended a day of thanksgiving to be observed by the people of this Territory, on the very threshold of their territorial existence. We hope this ordinance will be respected and perpetuated from year to year, to the latest posterity."

In the next number the editor tells us that "We were greatly pleased to witness the general interest, which this festive occasion seemed to awaken among our citizens, and the zeal which they seemed to manifest in the exercises that belong to this time-hallowed institution. . . . The day was calm and lovely, and the earth, though robed in the dark hues of autumn, never appeared more beautiful than on this consecrated day." And he goes on to say that, "considering the place, a large and respectable audience attended public worship held at the mission, at 11 o'clock, A.M. An excellent lecture was delivered on the occasion, by the Rev. Wm. Hamilton, founded on the following text: 1st Thessalonians, 5th Chapter, 18th Verse: 'For in everything give thanks, for this is the will of God concerning you.'" A remarkably large portion of his available space is given up by this devotional editor to an exposition of the traditional *first, secondly,* and *thirdly* of the sermon.

Alas, for the editor! Even the paucity of things temporal for which to be thankful, and for which he had murmured, is soon to be further reduced by the designation of Omaha as the capital of the territory, thus sweeping away his first and last hope of something worth living for at Bellevue. And while these faithful souls were holding their devotional services on Thanksgiving day, with an ill-timed trust in the justice and righteousness of their capital cause, their Omaha—or rather Council Bluffs—rivals, true modern hustlers, were trustful, too, but in their own intention to command and use whatever means should be necessary to appropriate the prize, discarding moralizing, and, it is to be feared, morals as well. They were so trustful in their own resources that while their opponents on that first Thanksgiving day prayed, and laid down the rules of righteousness and justice, they hustled and laid up the walls of the capitol, while yet they had no assurance, but self-assurance, of its use.

Notice that the school attached to the Otoe and Omaha mission is about to be transferred to the Iowa and Sac mission, near the northern line of Kansas, appears in this issue.

The same paper, of December 20, notes that there are in the Quincy Colony—Fontenelle—"about thirty persons who came on and commenced the settlement late in the fall," and several houses had been erected.

The *Palladium* of January 10, 1855, explains that "gos-noo-gah" is equivalent of Omaha, and means "sliding," "which is a favorite amusement with the Omaha youth by whom we are surrounded." The sled was a cake of ice about ten inches wide and fifteen inches long rounded off at the ends. Sometimes in its rapid descent the brittle vehicle would go to pieces, when a catastrophe would happen to the Indian boy passenger as precipitate, though not as fatal, as the result of the bucking automobile of our day.

The issue of January 17 describes the great beauties of the site of St. Mary, "on the eastern shore of the Missouri river, four miles above the mouth of the Platte, and nearly opposite the Council Bluffs agency, Belleview, Nebraska territory. . . . The town is surrounded with scenery of unsurpassed beauty. On the east the green bluffs, rising nearly two hundred and fifty feet above the level of the river two miles back, stretch along to the north and south until they disappear in the distant horizon. On the north the Mosquito creek, skirted with beautiful trees and farms, appears at a distance of half a mile. The south presents an open view. The bluffs back of the town are covered with beautiful groves of elm, oak, hickory, and black walnut." The auxiliary embellishments of this

picture in unimpaired beauty are still visible from Bellevue, but the ambitious town site itself long since "moved on" and now, no doubt, forms an important part of the delta of the Mississippi. St. Mary was the eastern terminus of the considerable ferry traffic across the river.

On the 7th of March there is notice that a post-office has been established at Bellevue with the editor as postmaster. Mails are to arrive and depart twice a week; but the postmaster gives warning that "As we are not authorized to expend anything beyond the avails of the office for carrying the mails, we hope our citizens will come forward and make up the deficiency, and thus secure promptness and regularity in the mail service." In this number there is notice of a meeting of the democracy of Nebraska to be held at Omaha on the 8th of March "for the purpose of effecting the organization of the democratic party." The meeting appears to have been held to further the aspirations of B. B. Chapman to become delegate to Congress and to discredit the sitting member, Mr. Giddings. No actual organization of the party was practicable until 1858, when the Republican party began to take form, thus influencing the democrats to united action.

SILAS A. STRICKLAND[1]
FIRST DISTRICT ATTORNEY OF THE 1ST JUDICIAL DISTRICT OF NEBRASKA TERRITORY

In the issue of March 21 the following announcement appears under the heading "Bellevue":

"The friends of this place being desirous of changing the orthography of its name, so as to correspond with the French, from which it is derived, we have concluded to adopt that method of spelling."

Henceforward, the old spelling, "Belleview," is dropped.

It was the duty of the governor, under the organic act, to organize the territorial courts, provisionally, this organization to continue until superseded by the act of the territorial legislature. Accordingly, by Governor Cuming's proclamation, Fenner Ferguson, chief justice of the supreme court, was assigned as judge of the first judicial district, which comprised the counties of Douglas and Dodge; Edward R. Harden, associate justice, was assigned to the second judicial district, embracing all that part of the territory lying south of the Platte river; and James Bradley, the other associate justice, was assigned to the 3d district, comprising the counties of Burt and Washington. A term of the supreme court was to be held at the seat of government beginning on the third Monday of February,

[1] Silas Allen Strickland, was born in Rochester, New York, about 1831, son of Samuel Millard Strickland, whose mother was an aunt of President Millard Fillmore, and whose father was a cousin of Ethan Allen, of Revolutionary fame. When Silas was only one year old his father died, leaving him, with five other children, to the care of his mother. When he was seven years old he lived with a brother-in-law in the city of Rochester, where he attended school until he was twelve years old, and then went to live with an uncle, a Methodist minister, who lived in Gaines, thirty-six miles from Rochester. Having no money to hire a conveyance, he traveled on foot, sleeping by the wayside, thus early showing his determination to conquer obstacles. For three years he worked on a farm in the summer season, for six dollars a month, attending the district school in winter. About this time his mother married a wealthy farmer, and he returned home to live, and entered the Rochester Collegiate Institute. After a year's study he became a student in the academy at Scipio, New York, and later attended the Yates academy, in Orleans county. He next began teaching school, in Pendleton, taking up the study of law during leisure moments. In two years he had saved sufficient money to enable him to enter the law-office of Fillmore, Hall & Haren, a leading law firm in Buffalo. He was admitted to the bar of New York in 1850, but, to gain immediate employment, he became assistant-paymaster of the employees on the re construction of the Erie canal. A short time later, he

1855. The first terms of court in the several districts were to be held as follows: First district, at Bellevue, on the second Monday in March, 1855; second district, at Nebraska City, on the third Monday in March; third district, at Florence, on the first Monday in April. Thereafter the times and places of holding the courts were to be regulated by the general assembly.

"Accordingly, on Monday, March 12, 1855, the first court of record ever held in the territory, the district court of the first judicial district, with jurisdiction practically like our present district court, was opened at the mission house, Bellevue, by Fenner Ferguson, chief justice; Eli R. Doyle, marshal."[1] The *Palladium* (March 21, 1855) informs us that, "The Court was organized by the choice of Silas A. Strickland of Bellevue, Clerk. Several foreign born residents made their declaration of intention to become citizens. No other business of importance coming up, the Court adjourned to April 12." But this was not the first session of a court of record in Nebraska. The first session of the supreme court, according to the governor's proclamation, met in Omaha on the 19th of February; and the *Palladium* (February 21) tells us that, "The first session of the supreme court of Nebraska,[2] is now being held at the capitol.

entered the employ of the Lake Simco, Huron and Ontario Railroad company; next he was connected with the building of the Ohio & Mississippi, the Louisville & Nashville, and the Tennessee & Alabama railroads, and was one of four men who assumed the building of the Sewanee railroad, but sold his interest in order to move to Nebraska territory. He arrived at Bellevue, October 18, 1854. He was admitted to the bar of Nebraska, in March, 1855, the firm of Bowen & Strickland being the first law firm in Bellevue; and Mr. Strickland was at once appointed district attorney of the 1st judicial district. He was a member from Douglas county of the lower house of the 3d territorial assembly; was elected to represent Sarpy county in the 4th assembly; was reelected to the 6th assembly, and was speaker of the house; and was elected member of the council of the 7th assembly. He led the debate for the division of Douglas county, from which Sarpy county was carved. He labored to secure the location of the capital at Bellevue, where he resided until 1860, then removed to Omaha. Upon the outbreak of the Civil war Mr. Strickland resigned his membership in the legislature, and enlisted as a private in the 1st Nebraska regiment, but was almost immediately elected second lieutenant, and was afterward promoted to the rank of adjutant. After the battles of Fort Donelson and Shiloh, he resigned his commission, and went to Cincinnati. Within two months he again enlisted and was commissioned lieutenant-colonel of the 50th Ohio volunteer infantry. He was mustered in as colonel of the same regiment, May 28, 1863, to date from October 27, 1862, and honorably discharged June 26, 1865. The records also show that from April 10, 1862, to May, 1864, he commanded the 3d brigade, 4th division, 23d army corps; that from May 26 to June 5, 1864, he commanded the provisional brigade, 23d army corps; that from June 6 to September 25, 1864, he commanded the 3d brigade, 2d division, 23d army corps; that he resumed command of the last-named brigade about October 20, 1864, having been absent from September 26, and remained in command of it until December, 1864, and that he was in command of the same brigade from January to June 12, 1865. He was breveted brigadier-general United States volunteers, to date from May 27, 1865, "for gallant and meritorious service." At the close of the war he returned to Nebraska and resumed the practice of law. In 1867, when Nebraska was admitted as a state, he was appointed United States district attorney, and held the office four years. He was a member, and president of the state constitutional convention of 1871. General Strickland was a successful lawyer and a leader in politics. He was one of the founders of the Grand Army of the Republic, in Nebraska, and was provisional commander of the department. He died in Omaha, March 31, 1878. His widow, Mary T. Strickland, and a daughter, Katie B., wife of J. B. Haynes, reside in Omaha.

[1] Memorabilia Andrew J. Poppleton, p. 267.

[2] FIRST SESSION OF THE SUPREME COURT

The *Palladium* of March 21, 1855, copies from the Omaha *Nebraskian* the following account of the proceedings of the last day of the first session of the territorial supreme court, being also the first session of a court of record in Nebraska:

"The first term of the Supreme Court of Nebraska, adjourned on the 6th inst., on which day the only business before the Court being the admission of Attorneys to practice Law in the Courts of this Territory, Attorney General E. Estabrook, addressed the Court as follows:

"'MAY IT PLEASE THE COURT:

"'I have a motion to make, but before submitting it, I will offer a few remarks. I esteem it a privilege, if not a duty, to express to the court the sincere gratification I have felt and still feel in common, I have no doubt, with those who are about to become members of this bar, in witnessing the determination of the court to elevate and to maintain erect the standard of qualification of membership of the bar of this territory.

"'An idea is pretty extensively prevalent in the older states, that persons with but a limited and superficial knowledge of the law, or, indeed, with no knowledge of it at all, can escape to the newly organized states and territories, and there attain to a position in the profession which the rules of their own states have denied them at home—and it is, perhaps, a matter of regret, that such views and expectations have been too frequently realized.

"'I deem it, then, a subject of mutual congratulation, that this court have determined to adopt, and, as I believe, the bar are equally determined to sustain a code of rules that shall assist, if not rebuke, a system of practice so humiliating to the individual who seeks advantage under it, and so unworthy the honorable profession to which he aspires.

"'By a sort of comity among some of the states, persons admitted to membership in one state, are admitted to the same grade of membership in each of the others, upon exhibiting their credentials, and without examination. Whatever question there may be as to

Hon. Fenner Ferguson, Chief Justice, presiding. The Court convened on Monday, the 19th inst. J. Sterling Morton, of Belleview, has been appointed clerk of the court. Hon. E. R. Harden is prevented by indisposition from attendance, since the first day of the ses-

---

the propriety of this rule in its largest latitude, I understand the court to have adopted it—not permanently, perhaps, but to subserve the present necessity. In view of this fact, it gives me the greatest pleasure to be able to convey to the court the confident assurance, that, in this instance, a relaxation of the rule will bring into fellowship with this bar none who are not eminently worthy the noble and honorable profession to which they belong.

"'I will be permitted to make this additional remark—that this court, in taking the elevated position it has upon this subject, as upon every other subject which has engaged its judicial functions, have furnished an additional guarantee that the high hopes and expectations which have been cherished by the people of this territory, during several months of free and unrestrained intercourse with the members of this court, are to be most fully and abundantly realized; and that the virgin goddess, whose form, by direction of his honor, the chief justice, is to be inscribed upon the seal of this court, and whose impress marks and sanctifies its process, will suffer no pollution within the pale of this her sanctuary.'"

"On motion of Attorney General Estabrook, the following named gentlemen were then admitted in open Court, to practice, as Attorneys and Counsellors at Law in the Supreme Court and other Courts of this Territory:

| | |
|---|---|
| William Corfield, | Andrew J. Hanscom, |
| Joseph D. N. Thompson, | Joseph L. Sharp, |
| Andrew J. Poppleton, | John H. Sherman, |
| William Kempton, | Isaac L. Gibbs, |
| Samuel E. Rogers, | A. C. Ford, |
| Adam V. Larimer. | John McNeal Latham, |
| Alfred D. Jones, | Silas A. Strickland, |
| Hiram P. Bennet, | Benjamin P. Rankin. |
| Origen D. Richardson. | |

[Full names supplied where not given.—Ed.]

"His Honor, Chief Justice Ferguson addressed the members of the bar in substance as follows:

"'Gentlemen, we welcome you as officers of the court. It will be our desire to cultivate the most friendly understanding with the members of the bar. We shall expect to derive much assistance in the discharge of our duties from your industry and application in your professional labor. We shall hope that in any case in which you may appear, you will be prepared to furnish the court with elaborate and well digested briefs. This will be due to your clients and the court, not more than to yourselves. We wish to discourage a loose and hap-hazard sort of practice.

"'A lawyer who properly regards his standing and character, will be careful how he descends to low pettifogging tricks, or resort to scurrilous language. Both are derogatory to the character of a gentleman, and every lawyer ought to be, (if he is not) a gentleman. We hope to see the members of our territorial bar take a high stand for their learning, their courtesy, and their sense of honor.'

"His Honor, Associate Justice Harden, then delivered to the members of the bar the following address:

"'Gentlemen: We welcome you to the bar of the Territory of Nebraska. We trust that in the discharge of your professional duties you will on all occasions, exhibit a commendable devotion to the principles of justice, truth, and high-toned honor.

"'Justice is represented as a blind goddess, holding in her hand a pair of scales of delicate equipoise. Those who worship at her shrine should have clean hands and hearts as pure as the unsullied snowdrift.

"'You are, gentlemen, members of a noble profession,—a profession that we hope each one of you will endeavor to adorn—a profession that admires and exalts the Lawyer who seeks by his deportment to elevate the standard of moral honesty, while it depresses in the scale of being, and entertains a sovereign contempt for the Pettifogger who is content to grovel in the dust of his own professional imbecility, and to accomplish by trick and stratagem, the noble ends of even-handed justice.

"'You have a valiant, and a promising theatre for your operations. You have a career of usefulness, and of distinction before you. Lay, then, a permanent and durable foundation. Build up for yourselves a reputation of which your country may be proud, and which future generations may contemplate with a laudable spirit of emulation.

"'The lawyer "must trim the midnight taper." He must be diligent and persevering in his exertions, if he aspires to distinction in a profession, to acquire a tolerable proficiency in which, a learned commentator has remarked, requires the "*lucubrationes vigenti annorum*."

"'It is "the conflict of mind with mind that develops truth." There is no field of mental action upon which the gladiation of intellect is more beautifully displayed than at the bar. The combatants in this contest must depend upon their own resources. The eyes of the world are upon you. A judge is presiding, whose province it is to detect error. Adversaries are watching with vigilant eye to assail weak points, and anxious clients are upon the tip-toe of excitement.

"'"Aspiring man, O! whither will you fly,
No friend, no shelter now is nigh;
And onward rolls the storm."

"'Gentlemen, this court will be prepared at [all] times, during their official intercourse with you, to exercise towards you a generous courtesy, and will contribute all in their power to maintain the honor and dignity of the profession.

"'The laws of this territory will be rigidly enforced—and if the good people will aid the court in the administration of the criminal law—this court, while it will always feel disposed to "temper justice with mercy," must and will be a "terror to evil doers."

"'Neither wealth, nor position, will shield an offender—and much will depend upon the people, in tracing up crime, and bringing the criminal to the bar of justice. The sacred and inestimable rights of "personal liberty, personal security, and private property," can only be preserved, by a strictly honest and incorruptible judiciary.

"'Gentlemen, we occupy a beautiful and an interesting country—while it is susceptible of being made the garden spot of the West; let us endeavor to mould its future destiny, by cultivating virtue, patriotism and intelligence. Here the Indian warrior pursues the panting deer, and the ingenious castor plies undisturbed his wonderful mechanism—'

"'"But ah! ere a few short years shall roll
between,
How altered, and how changed the scene."

"'Magnificent cities will spring up, as it were, by the wand of the necromancer, and this fertile and extensive domain, once under the dominion of the untutored child of nature, will be transformed into the bowers of taste and embellished by the arts of civilized life. The rude hut, fabricated by the poor savage, will crumble into dust, and his wild and terrific yell

R. A. Venry

sion. He is at his lodgings at Belleview, where every attention to his health and comfort is bestowed."

The efflorescent rhetoric and perfunctory bombast, which preclude apt ideas, and perhaps disguise or illustrate the inherent dulness of many of the addresses at these formal judicial openings, almost excite the risibility of present day matter-of-fact readers; and they show that the judges of these courts—exported surplus political material of the older states—were, as we should expect, not infrequently men of commonplace parts.[1]

will be borne on the bosom of the breeze, until lost forever, in the far distant west—his foot-prints will soon be obliterated from the soil of Nebraska, and the flowers of civilization will spring up in the desert, and diffuse their fragrance o'er the wildness of nature.

"'Gentlemen, once more we welcome you to the bar of the territory of Nebraska.'

"Hon. Joseph L. Sharp, in behalf of the members of the bar, replied as follows:

"'May it please the Court, On the part of the members of the bar who have just been admitted to practice in this court;—we return you our sincere thanks for the cordial welcome received from you. We are pleased to see the solicitude manifested on this occasion, for the power and glory of the profession. It has been justly said, that our profession is truly a responsible one; we shall leave our impress upon the institutions now just starting into life around us. It shall be our highest aim, so far as our abilities will permit, in our future intercourse with the Court, the community and ourselves, to be guided always by the principles of justice and virtue, thus elevating the profession to which we belong.

"'We heartily concur in the sentiments of the Court, relative to the duties of attorneys, and hope that all our acts may tend to the honor of the fraternity. In view of the past, the present and the future, we trust to say by our acts—"Let justice be done though the heavens fall!"—Again we tender our thanks for the interest manifested in our welfare and profession.'

"The remarks which we have quoted above are highly appropriate and worthy of the talented and distinguished gentlemen by whom they were delivered.

"The interest and solicitude manifested by the court, not only for the dignity and honor of the legal profession, but for the welfare of the people of the Territory, are duly appreciated by all. We need pronounce no enconiums, for their Honors may rest assured that the bar and the people at large, have unbounded confidence in their integrity, ability and experience. While their deportment exhibits alike the gentleman and scholar, all concur in the opinion, that we have a Court in all respects equal to the highly responsible position which it occupies. Nebraska may well be proud of those able jurists, Chief Justice Ferguson and Associate Justice Harden, who would adorn the Supreme bench of any State in the Union.

"Attorney General Hon. Experience Estabrook is a gentleman of affable manners, and in his official capacity always at home. The friends of law and order will be his friends; and his civic as well as legal lore, enables him to maintain the elevated position in which he is placed, with honor and credit to himself, and to the entire approbation of all."

[1] Every effort has been made to secure all obtainable information of the personality of the men comprising the first territorial government of Nebraska, and to present portraits of them. Sketches and engravings of most of them have been presented in this or preceding chapters. Others will appear in the chapters to follow. However, in some instances, it has been quite impossible to discover the antecedents of these men, or to trace their later movements.

James Harvey Cowles, member of the lower house of the 1st territorial assembly of Nebraska, was born in Ohio, October 21, 1821, and was the youngest son of Harry Cowles. He was a pioneer of Nebraska, with his brothers, Charles H., and Henry C., and was one of the first settlers of Otoe county, pre-empting 160 acres of land just north of the present site of Nebraska City. Mr. Cowles came to Nebraska from Sidney, Fremont county, Iowa, of which town he was a pioneer, erecting the first dwelling house there, in August, 1852. His daughter was the first child born in that town, and was named Sidney. In 1855 he was elected to represent Otoe county in the lower house of the 1st territorial assembly. He went to Hamburg, Iowa, in 1863. He was ambitious and energetic, and for a season was successful, but, owing to domestic troubles, he lost heart, and the last years of his life were uneventful. He died in Omaha, Nebraska, July 30, 1867, and was buried in Hamburg, Iowa. He had a family of three children: Sidney, who died three years before her father; Frank, was killed by a railroad train in Pueblo, Colorado; and Bradford, now (1904) supposed to be in Colorado, engaged in mining.

David M. N. Johnston, member of the lower house in the first session of the territorial assembly of Nebraska, was born in Ohio about 1823, but nothing can be learned of his early life. He was a lawyer by profession, and was one of the early settlers of Richardson county, being a resident of Archer, where he practiced law. In 1855 he was elected to represent Richardson county in the lower house of the 1st territorial assembly. He was appointed by Acting Governor Cuming as colonel of the 2d regiment, Nebraska territorial militia. Dr. George L. Miller remembers Mr. Johnston as a man of some ability. It would seem at least that he was ambitious politically, for it is said, upon good authority, that while a member of the Nebraska territorial assembly, he secured leave of absence, crossed the line into Kansas, and became a candidate for membership in the territorial legislature of that territory, being defeated by only a few votes.

Samuel A. Lewis, sergeant-at-arms of the first, third and ninth sessions of the territorial house of representatives of Nebraska resided in Omaha, was a printer by trade, a native of Pennsylvania, and born about 1820. He was a member of the first Omaha Claim club, and was second lieutenant of company D, 1st battalion Nebraska veteran volunteer cavalry, commissioned June 3, 1864.

G. L. Eayre, assistant clerk of the first house of representatives, was a native of New Jersey, and a resident of Glenwood, Iowa.

# CHAPTER VIII

SECOND LEGISLATURE—SECOND CONGRESSIONAL CAMPAIGN—POLITICAL CONDITIONS

THERE was little diversion in the territory during the year 1855, from the time of adjournment of the 1st legislature, except the small politics of the aspirants for the offices to be filled at the fall elections. The dreams of Mr. Henn and others of the organizers about a rapid increase of population had not come true.[1]

The first, or Cuming census, furnishes no data for comparison—except to illustrate its unreliability. By that census the first district, which comprised substantially the counties of Pawnee and Richardson, was credited with a population of 851. After the lapse of a year, during which there was some immigration, these two counties yielded only 441 people to the census of 1855. On the other hand, while the counties of Forney and Pierce in 1854 had but 614 people, in 1855 their successors, Nemaha and Otoe, had respectively 604 and 1,188. Otoe no doubt felt plenary satisfaction in so decisively outstripping Douglas, her rival of the North Platte. But the active colonizing on the part of both slavery and anti-slavery interests diverted most of the immigration to Kansas, which as early as February, 1855, boasted a population, such as it was, of 8,601.

Under the act of the 1st legislature the governor appointed Charles B. Smith[2] as territorial auditor, B. P. Rankin,[3] territorial treasurer, and James S. Izard,[4] librarian. Minor officers for the several counties were also appointed by the governor, and the terms of all these officers continued until their successors were elected in November, 1855. On the 15th of October, 1855, Governor Izard issued a proclamation announcing that an election would be held on the first Tuesday in November of the year named to choose a dele-

[1] The following table (Records Nebraska Territory, p. 81) is constructed from the abstract of the census certified by Secretary Cuming, October 15, 1855.

| COUNTIES | White males, 21 and over | White males, between 16 and 21 | White males under 16 | Females, 16 and over | Females, under 16 | Slaves | Free colored males | Not declared intentions | Total |
|---|---|---|---|---|---|---|---|---|---|
| Burt | 30 | 9 | 17 | 14 | 19 | ... | ... | ... | 89 |
| Cass | 178 | 29 | 194 | 145 | 166 | ... | ... | ... | 712 |
| Dakota | 43 | 4 | 16 | 11 | 12 | ... | ... | ... | 86 |
| Dodge | 57 | 5 | 20 | 32 | 25 | ... | ... | ... | 139 |
| Douglas | 450 | 29 | 163 | 211 | 174 | ... | 1 | ... | 1028 |
| Nemaha | 150 | 41 | 143 | 126 | 144 | ... | ... | ... | 604 |
| Otoe | 378 | 43 | 278 | 245 | 237 | 6 | ... | 1 | 1188 |
| Pawnee | 49 | 3 | 28 | 29 | 33 | ... | ... | ... | 142 |
| Richardson | 94 | 12 | 54 | 67 | 72 | ... | ... | ... | 299 |
| Washington | 81 | 7 | 41 | 37 | 41 | ... | ... | ... | 207 |
| Total | 1510 | 182 | 954 | 917 | 923 | 6 | 1 | 1 | 4494 |
| Half-breed tract | 50 | 7 | 29 | 33 | 33 | 5 | ... | ... | .... |

[2] Charles B. Smith, a New Yorker, settled in Omaha in 1854. He became private secretary to Governor Thomas B. Cuming and was one of the judges of election at the Omaha city precinct at the first election in the territory. He was one of the incorporators of Simpson University in 1855, and was the first territorial auditor beginning with March 16, 1855. In 1856, with Charles W. Hamilton and others, he built the Hamilton House. He was receiver of the land office at Brownville in 1857. In 1858 he was engaged with Thomas Davis in running a sawmill at Omaha. This mill, the first in Omaha, was built by Alexander Davis and Samuel S. Bayliss in 1854, and was destroyed by an explosion November 25, 1860, killing the engineer, a Mr. Sperry.

[3] Dr. Benjamin P. Rankin was a candidate for the democratic nomination as delegate to Congress in 1859, but after the eighth ballot withdrew, and the nomination went to Experience Estabrook. He was the first territorial treasurer, beginning with March 16, 1855, and was the third United States marshal of the territory, appointed March 29, 1856. With Dr. Charles A. Henry and Lorin Miller he laid out the town of Central City, Kearney county, in 1858, and later founded Kearney City. He was one of the commissioners to locate the county seat of Sarpy county in 1857, when Bellevue was selected, which remained the county seat until 1876. He was chairman of the democratic territorial central committee in 1859. He went west, and died in Wyoming.

[4] James S. Izard was private secretary to his father, Mark W. Izard, during the latter's term as governor. He acquired considerable property in Omaha, but left the territory about the time that his father did. He died, some years ago, in Forest City, Arkansas.

gate to Congress, a territorial auditor, treasurer, and librarian, twenty-six members of the lower house of the general assembly, and in the several counties a probate judge, sheriff, county register, county treasurer, and county surveyor; and each precinct should elect two justices of the peace and two constables.

A district attorney for each judicial district of the territory was to be elected also. The first district embraced all the counties south of the Platte river; the second the counties of Douglas and Washington; the third the counties of Burt, Dakota, and Dodge.

The legislature had left the task of making the apportionment of the members to the governor, and he established the representative districts as follows: Burt and Washington, jointly, 1; Cass, 3; Cass and Otoe, 1; Dodge, 1; Douglas, 8; Nemaha, 2; Nemaha and Richardson, 1; Otoe, 6; Pawnee and Richardson, 1; Richardson, 1; Washington, 1. The act of 1855 provided that the number of members of the house should not exceed twenty-nine; but the governor did not see fit to change it from the original twenty-six. Pawnee was the only one of the sixteen new counties, whose organization had been authorized by the 1st legislature, to take advantage of the act and become entitled to representation. The proclamation also called for the election of three members of the council to fill vacancies; and Samuel M. Kirkpatrick was chosen in place of Nuckolls of Cass county, who had resigned; John Evans in place of Dr. Munson H. Clark of Dodge county, deceased; and Allen A. Bradford in place of Hiram P. Bennet, who resigned for the purpose of becoming a candidate for delegate to Congress. The hold-over members were Dr. Henry Bradford of Otoe, formerly Pierce; Richard Brown of Nemaha, formerly Forney; Charles H. Cowles of Otoe; Benjamin R. Folsom of Burt; Taylor G. Goodwill, Alfred D. Jones, Origen D. Richardson, and Samuel E. Rogers of Douglas; Joseph L. Sharp of Richardson; and James C. Mitchell of Washington.

The members of the house were John F. Buck, John McF. Hagood, and William Laird of Cass county; Thomas Gibson of Dodge; Leavitt L. Bowen,[1] William Clancy, Alexander Davis,[2] Levi Harsh, William Larimer, Jr., William E. Moore, George L. Miller, and Alonzo F. Salisbury of Douglas; William A. Finney and Samuel A. Chambers of Nemaha; John Boulware, Dr. John C. Campbell,[3] James H. Decker, William B. Hail, J. Sterling Mor-

[1] Leavitt L. Bowen, member of the lower house in the 2d territorial assembly, representing Douglas county, president of the council of the third session, a member of the council of the fourth session, and representing Sarpy county in the council of the fifth session, of which he was president, resigned before the sixth session convened. He was admitted to practice law in the territory at the first term of the territorial supreme court. He formed a law partnership with Silas A. Strickland at Bellevue in 1857, and was United States district attorney for Nebraska territory in 1859. He was one of the charter members of the first lodge of Free Masons in Nebraska, organized at Bellevue in February, 1855.

[2] Alexander Davis, member of the lower house in the 2d territorial assembly of Nebraska representing Douglas county, settled at Omaha in 1854, and with his brother-in-law, Samuel S. Bayliss, built the first sawmill on Otoe creek just north of the present site of the Union depot. He afterward traded this mill to Thomas Davis for a claim of four hundred acres of land. He was a member of the first grand jury to be convened in Douglas county, October 22, 1855. It has been generally supposed that he was a brother of Thomas Davis, but this is an error.

[3] John C. Campbell, M. D., member of the house in the 2d and 4th territorial assemblies, from Otoe county, was born near the city of Lexington, Fayette county, Kentucky, December 22, 1812. He was a son of Dr. John P Campbell and Isabella (McDowell) Campbell, both of Rockbridge county, Virginia. After a successful career as a physician, John P. Campbell became a minister of the Presbyterian church. He was a slaveholder by inheritance, but he moved from Kentucky to Ohio for the purpose of freeing his slaves, and in his later years deprived himself of many luxuries to serve in the pioneer Christian ministry. Shortly before his death, at the age of forty-seven, he had removed to Chillicothe, Ohio, where his son, John C. Campbell, acquired his early education in the district and private schools. When he was seventeen years old he entered the State University of Ohio, from which he graduated. Having a brother in the mercantile business in Burlington, Iowa, Mr. Campbell joined him immediately after leaving the university, and preempted a quarter-section of land in the vicinity of Burlington. Under the instruction of Drs. Lowe and Hickock he prepared to enter the medical department of Kemper College of St. Louis, now the medical department of the State University of Missouri, from which he graduated after a two-years course, and, returning to Iowa, located at Mt. Pleasant, where he remained four years and established a practice. During his residence at Mt. Pleasant Dr. Campbell was married to Elizabeth Henderson and one child was born to them, but both mother and child died within a few years. Dr. Campbell then established an office in New Purchase (now Agency City), about six miles from Ottumwa. In the spring of 1845 he was married to Martha Rog-

ton, and Mastin W. Riden of Otoe; Amazial M. Rose of Otoe and Cass jointly; Abel D. Kirk of Richardson; Dr. Jerome Hoover[1] of Richardson and Nemaha jointly; Charles McDonald of Richardson and Pawnee jointly; Potter C. Sullivan of Washington; and William B. Beck of Washington and Burt jointly.

Comparing this second apportionment with the first we find that the audacious stuffing of the North Platte counties of Burt, Dodge, and Washington by the deft hands of Governor Cuming is acknowledged by his successor; for in place of her two full representatives allowed by Cuming, Burt is now tacked to Washington to divide one with that county, which in turn is reduced from two members to one and a half. Dodge is cut down from two to one. Cass county retains its three members and divides another with Otoe, which has six of its own—a gain of one. Douglas holds to its original eight. But since Governor Izard's census awards a population of 712 to Cass, 1,028 to Douglas, 1,188 to Otoe, and 604 to Nemaha, the principle of Governor Izard's apportionment is still past finding out. The rights of Cass, Otoe, and Nemaha are shamefully abused to the profit of Douglas. Councilman Sharp's very keen appreciation of the responsibilities of a pioneer census taker in 1854, in the case of Richardson county in 1855, to be at all presentable, had to be discounted at about 40 per cent of its face value; though with a population of only 299 that county still held on to one representative and shared two others with Nemaha and Pawnee respectively. It has been pointed out that in an addendum to his census returns Mr. Sharp admitted that the number of voters in Richardson county, excluding the half-breed tract, should be reduced from 236—his census figures—to about 100.

Beck, the joint member for Burt and Washington, lived at Tekamah, Burt county; Rose, the member for Cass and Otoe, lived at Nebraska City, Otoe county; Hoover, member for Richardson and Nemaha, lived at Nemaha City, Nemaha county; and McDonald, member for Richardson and Pawnee, lived in Pawnee county. So that in the popular adjustment of the apportionment Burt and Washington in fact shared alike with one member each; Cass retained her original three; and Otoe gained two, making seven in all; Nemaha gained one, making three in all; and Richardson retained her original number—two.

With 34.4 per cent of the population the North Platte is awarded 42.3 per cent of the representatives. The hold-over council, with 54 per cent of its members from the North Platte, presents even a worse travesty of decency and justice. In view of such a piece of his handiwork as this the impartial judge must demur to the modest disclaimer of Governor Izard's home paper (the Helena, Arkansas, *Star*) that he was "not endowed with shining talents," and must also question its ascription to the governor of the compensatory virtue of probity.

The 2d legislature convened at Omaha, Tuesday, December 18, 1855, at 10 o'clock in

ers. Three sons were born to them: John James, Edward Hugh, and William H. Mrs. Campbell died in 1861. From Agency City, Dr. Campbell removed to Sidney, Fremont county, Iowa, where he was instrumental in the establishment and maintenance of public schools and was elected superintendent of public instruction for two terms. In 1854 he moved to Nebraska and settled in Nebraska City. He was elected a member of the territorial council in 1861. He was also a member of the constitutional convention of 1871. He was particularly active in educational work and was for six years a member of the board of education of Nebraska City. He was a member of the Presbyterian church, and assisted in the organization of churches at Burlington, Mt. Pleasant, and Sidney, Iowa, and Nebraska City. In 1862 he was married to Sarah P. Childs who was born in Philadelphia, Pennsylvania, in 1829. Her father, Captain William Childs, was closely related to the Rothschilds of London. Three children were born to them: Henrietta E., who married Rev. G. Sumner Baskerville, Dr. Ezra T., and Paul M.

[1]Dr. Jerome Hoover, member of the lower house of the 2d territorial assembly, from Nemaha county, was a native of Virginia, though little is known of his early life and education. He came from Ohio to Nebraska in October, 1854, and purchased the claim of Dr. Wyatt, which the latter had staked out in the early summer, near the mouth of the Little Nemaha river. As soon as the land office was opened he secured, under the preemption law, three hundred and twenty acres, embracing the present site of Nemaha City. In 1855 he brought his family west and resided upon this claim, thus becoming one of the first settlers of Nemaha county. July 1, 1856, he was appointed the first postmaster at Nemaha City, and February 2, 1857, was elected mayor of the town. In company with Henry Hoover he built the first grist mill in Nemaha county in the spring of 1856. Details regarding his later life

the morning. The temporary officers of the council were Origen D. Richardson, president; John W. Pattison, chief clerk; Lyman Richardson,[1] assistant clerk; Samuel A. Lewis, sergeant-at-arms; and Niles R. Folsom, doorkeeper. The regular organization consisted of Benjamin R. Folsom, president; Erastus G. McNeely,[2] chief clerk; M. B. Case,[3] assistant clerk; Charles W. Pierce, sergeant-at-arms; Henry Springer, doorkeeper; Le Grand Goodwill, page.

The house was organized by the election of the following temporary officers: Speaker, William Larimer, Jr., of Douglas county; chief clerk, Joseph W. Paddock; assistant clerk, H. C. Anderson;[4] sergeant-at-arms, A. S. Bishop; doorkeeper, Ewing S. Sharp;[5] fireman, Patrick Donahue. In the permanent organization Potter C. Sullivan of Washington county was elected speaker, his principal opponent being Abel D. Kirk of Richardson county. Isaac L. Gibbs was elected chief

---

are meager. Mrs. Jerome Hoover died at the home of her son, F. E. Hoover, near Nemaha, Feb. 7, 1904.

[1] Lyman Richardson, son of Origen D. and Sarah P. Richardson, was born in Pontiac, Michigan, June 6, 1834. He was a graduate of the University of Michigan in 1854, and in the fall of the same year accompanied an engineering party employed in surveying the lower Des Moines river for slack water navigation. In 1855 he joined his father in Omaha and there studied law in the office of George B. Lake, being admitted to the bar in 1858, though he never practiced. When the Civil war broke out he was elected second lieutenant of company F, 1st Nebraska volunteer infantry. He also served on the staff of Gen. John M. Thayer, and later on the staff of Gen. Fred Steele, in charge of river and railroad transportation at Little Rock, Arkansas; and after his resignation from the captaincy to which he had been promoted, he became engaged in cotton planting and lumbering in the same state. After about three years he returned to Omaha, and in 1868 became associated with Dr. George L. Miller in the publication of the *Herald*. In 1887 he left the *Herald* and devoted his time to the care of his real estate interests. He never held public office and never sought political preferment. He married Virginia Harrison Clark, at Omaha, in September, 1860. Two of their four children are still living: Mary, who married William R. Morris, and Ralph. Mr. Richardson now (1904) resides at Baltimore, Maryland.

[2] Erastus G. McNeely was secretary of the council of the 2d, and chief clerk of the house in the 5th territorial assembly. He was first lieutenant of the "Omaha Gun Squad," which served under General John M. Thayer in the expedition against the Indians in June, 1859, known as the Pawnee war. He was second lieutenant of company B, Nebraska cavalry regiment, in the Civil war. He was wounded and taken prisoner in the battle of "Cumberland Iron Works," August 27, 1862, and for gallant conduct in this action was promoted to the position of first lieutenant, vice Lieutenant Summers, who was killed, the promotion to date from September 1, 1862. He was appointed captain of company B, Curtis horse cavalry regiment—W. W. Lowe, colonel, M. T. Patrick, lieutenant-colonel, afterwards merged into the 5th Iowa cavalry—vice John B. Croft, resigned, to date from March 6, 1863. He resided at Omaha, was a native of Ohio, enlisted September 10, 1861, and was then twenty-eight years of age.

[3] M. B. Case resigned as assistant clerk the seventh day of the session and Lyman Richardson was elected December 28 to fill the vacancy. M. B. Case was a resident of Cass county and was also candidate for assistant clerk for the house, receiving 11 votes to 13 for H. C. Anderson.

[4] Hiram C. Anderson was elected the first recorder of the city of Omaha in March, 1857. He was also the second territorial librarian, serving from November 6, 1855, to August 3, 1857. He was one of the organizers and secretary of Capital Lodge No. 3 of Omaha, A. F. and A. M., chartered June 3, 1857.

[5] Ewing Smith Sharp was born in Bernadotte, Illinois, November 22, 1836, and came with his father, Joseph L. Sharp, and family to Glenwood, Mills county, Iowa, in 1850. He was married to Harriet Abbie Coats, of Cassopolis, Michigan, in Glenwood, Iowa, November 22, 1856; Miss Coats had come from Michigan, by way of St. Louis and the Missouri river, to Kanesville, for the purpose of teaching school. From Kanesville she removed to Glenwood, where she met Mr. E. S. Sharp. After marriage Mr. and Mrs. Sharp removed to Richardson county, Nebraska, and shortly afterwards to Sharpsburg (also known as Bethlehem), Iowa, just opposite Plattsmouth. At this time—1857—Sharpsburg was a lively village and an important forwarding point for goods destined for the interior, this traffic coming up the river by means of steamboats which at that time were in their heyday. Later Mr. Sharp bought the Mary McGee ferryboat, operating between Plattsmouth and Sharpsburg (or Bethlehem), under the charter granted to his father. This ferryboat went down with the ice in the spring of 1871 and thus ended the operation of a steam ferry at this point, Mr. Sharp substituting a wire cable system. Thousands of prairie schooners and emigrants were transferred at this ferry. The ferry business occupied the principal part of Mr. Sharp's time until his death, which occurred August 10, 1880. He was a self-educated man. Like his distinguished father he took great interest in the administration of government, and especially in the development of the West, in which he had unbounded faith. He took an important part in securing railroads for Plattsmouth and the location of the Burlington shops there. Mr. Sharp moved from Bethlehem to Plattsmouth in 1868, where, on the old family homestead, Mrs. Sharp still resides. Mrs. Sharp distinctly remembers the building of the first house in Omaha. Mr. Sharp was a member of the city council of Plattsmouth at the time of his death. His family consisted of three boys, two of whom are still living—Willis A., an Alaska pioneer, now trainmaster of the Tacoma and Seattle Interurban railway; Lee C., a successful inventor and business man of Omaha, a member of the Omaha Commercial Club, and a pioneer machinery manufacturer of the West, having built the first successful electric

clerk; H. C. Anderson assistant clerk; A. S. Bishop, sergeant-at-arms; E. B. Chinn, doorkeeper; and Rev. Henry M. Giltner, chaplain.

From the council we miss Hiram P. Bennet, a prominent leader, Dr. Clark, cut off by death from a career whose beginning gave promise of future activity and influence, and Nuckolls, whose name was and is well known. From the house we miss a principal figure—Poppleton—but in his place we have Dr. George L. Miller, and from Otoe county, J. Sterling Morton—two names destined to be linked together in the political activity and the general progress of the commonwealth for some forty years, and until they should become familiar to the popular ear through all its borders.

SAMUEL M. KIRKPATRICK[1]

Richardson and Nemaha counties each attempted to appropriate the joint representative to its individual use. Henry Abrams was the candidate of Richardson county, and he received 76 votes, while his opponent, Dr. Jerome Hoover of Nemaha county received only 13. But Nemaha outstripped her rival in local patriotism by giving Hoover 117 votes and Abrams a blank. The law required that the register of the senior county should give a certificate of election to the candidate receiving the highest number of votes in the entire district. But in those strenuous times local interest was seldom backed by the majesty or mandate of the law, and the register of Richardson county gave Abrams, the minority candidate, a certificate on which he could base a contest. But the committee on privileges and elections, and subsequently the house itself, decided against Abrams, and Nemaha gained the seat.

Richardson county sent Thomas R. Hare to contest for a seat in the house on the ground that a part of the territory conceded to the half-breed tract belonged to her, and entitled her to another representative. But the committee on privileges and elections reported against Hare on the law and the facts—that the house could not properly go behind the governor's apportionment for twenty-six members and increase the number, and, further, that no proof of the contention of Hare as to the right to include any part of the half-breed tract had been made, and that, if all that was contended for in this respect were conceded,

motor and gasoline engine west of Chicago and developed a large line of automatic can-making machinery which has had extensive use all over the world. Lafayette R., deceased, was a successful and ingenious machinist employed by the Union Pacific railway at Omaha, and also was considered a skillful amateur photographer.

[1] Samuel M. Kirkpatrick, member of three territorial assemblies of Nebraska, was born in Adams county, Ohio, August 31, 1815, and died February 16, 1892. He lived upon his father's farm until he was fourteen years of age, then went to Montgomery county, Indiana. He remained there until 1838, engaged in farming and stock raising, then moved to Louisa county, Iowa, and followed the mercantile business for some years. In 1845 he made a trip to the Pacific coast, remaining there two years, engaged in mining and mercantile business, when he returned to his home in Iowa, where he resided until 1855. That year he moved to Nebraska and settled upon a farm in Liberty precinct, Cass county. He built a sawmill and operated it until May, 1856, then devoted his attention strictly to farming and stock raising. In 1855 he was elected a member from Cass county of the 1st territorial council and was reelected in 1856. In 1861 he was again elected to represent Otoe, Cass, and Dodge counties in the council. In 1864 he represented Cass county in the house of representatives, and was speaker of that body. He was a member of the constitutional conventions of 1871 and 1875. In 1836 he was married, at Crawfordsville, Indiana, to Elizabeth McMillan, a native of Virginia. Mrs. Kirkpatrick died in 1839, and in 1841 Mr. Kirkpatrick was married in Thornton, Iowa, to Elizabeth Craig, who died November 21, 1896. Eight children were born to

the county would still fall short of voters entitling her to another representative.[1] This report was laid on the table, and the matter was referred to a special committee. Four of the five members of the special committee—Campbell, Bowen, Hagood, and Morton—three of them from the South Platte and the other, Bowen of Bellevue, constructively so—stated Hare's case as follows:

"Your committee to whom was referred the memorial of Thos. R. Hare, asking for a seat in this body on equal footing with other members, beg leave to report that after mature deliberation they have come to the conclusion that said memorialist has a right to a seat in this body.

"Your committee would further report that they come to the above conclusion from the following reasons.

"1st. That Pawnee county was not organized at the time of apportionment, and consequently should have been considered in Richardson county, as the law specifies, for election purposes.

"2d. That Richardson and Pawnee together contained, according to the census returns, one hundred and ninety-three voters, but fifty of those were returned as living on the half-breed tract, but since the census has been taken the half-breed tract has been run out, and the true boundary on the west fixed, which shows conclusively that there are only 23 voters on the half-breed tract which, taken from 193, leaves 170 legal voters in Richardson county. Taking then 56 as the basis of representation, Richardson county is entitled to three representatives.

"Your committee would further report that the law providing for taking the census and apportioning the representatives, in section four, provides that the whole number of members of the house of representatives shall not exceed twenty-nine for the next session, and that it would be doing no injustice to the balance of this territory to give to Richardson county her full representation on this floor, since it comes within the bounds prescribed by law.

"All of which your committee would respectfully submit and recommend."[2]

POTTER CHARLES SULLIVAN[5]
SPEAKER OF THE HOUSE OF THE 2D TERRITORIAL ASSEMBLY OF NEBRASKA

A resolution that Mr. Hare[3] be admitted to a seat as joint representative from Richardson and Pawnee counties was carried on the 26th of December by a vote of 13 to 11. Four North Platte members, Gibson of Dodge, Larimer of Douglas, Bowen of Bellevue, and Sullivan of Washington, voted aye, and four South Platte members voted no.[4] On the 10th of January the council sent a communication to the house which contended that by the

them, Edwin A., Lee C., Robert C., and Mrs. M. G. Kime, all residents of Nehawka, Nebraska; John M., Waterloo, Iowa; William W., Weeping Water, Nebraska; Mrs. G. O. Harmon, Avoca, Nebraska; and Elizzie H., married Orlando Tefft, and died at Avoca, November 26, 1899.

[1] House Journal, 2d Ter. Sess., p. 32.

[2] Ibid., p. 42.

[3] Thomas R. Hare, with others, filed with the county commissioners a plat of the town of Salem, Richardson county, January 30, 1855.

[4] House Journal, 2d Ter. Sess., p. 45.

[5] Potter Charles Sullivan, speaker of the house of the 2d territorial assembly, from Washington county, was born near Syracuse, New York, July 4, 1823, and removed to Eaton county, Michigan, in 1840, where he was admitted to the bar. He settled in Nebraska territory in 1855. He was one of the founders of the town of De Soto and was engaged in the practice of law during his residence there. He was the first postmaster of that place, and was mayor of the town in 1857. In 1858 he established and edited the Washington County *Sun*. Mr. Sullivan left Nebraska in 1858 for the Sweetwater country—now in Wyoming, then Nebraska—where, with his brother Ephraim, he started South Pass City on the Sweetwater river about three-quarters of a mile below the South Pass canyon. Here he was joined by his family in 1861, but left the following July

organic law the number of members of the legislature could be increased only by the act of both houses, and that therefore Hare was not a legal member of the house. The house replied with a short and snappy resolution reciting that it was the judge of the qualifications of its own members, and suggesting that the upper body had better be about its own business. But Hare evidently was not made of staying stuff, for on the same day he resigned "to effectually put down this disorganizing spirit and not from any conviction of my not being entitled to my seat."

On the morning of December 19 the governor delivered his message to the two houses in joint session in the hall of the house. We may overlook the painful prolixity of this document, and even with propriety give place to its slow length on account of its painstaking review of the general social conditions of the territory after a year's experience under the harness of formal organization. The message is such a paper as might be expected of a man of such antecedents and qualities as are attributed to him in the following "send-off" by the Helena (Arkansas) *Star:*

"We were honored on Monday last with a visit at our office from Hon. Mark W. Izard, governor of Nebraska, and his private secretary, James S. Izard, Esq. They were here waiting . . . for a boat, to take passage for their new field of labor. The appointment of Col. Izard to the governorship of Nebraska territory is one among the very best appointments that have been made during the administration of President Pierce. He was for almost a quarter of a century a member of one or the other branches of the Arkansas legislature, and during the period of his long and valuable services in that body he served at different times as speaker of the House of Representatives and President of the Senate; and in all the many honorable and responsible stations to which he has been called, he has discharged his duty usefully and successfully, and although a minister of the gospel, active in every cause of religion and benevolence, remarkable for his exemplary life and fervent piety, yet he has been all the time an active partisan, and has done more, and sacrificed more for the democratic party —the party to which he has been warmly attached —than perhaps any man in Arkansas. Not endowed with shining talents, though of excellent sense, his career furnishes a remarkable instance of the deserved success of probity, fidelity, industry, gentlemanly bearing and in-

MRS. POTTER C. SULLIVAN

after having lived there about a year. He crossed the plains with his family in the year 1862, reaching the Willamette valley some time in the month of October. He farmed until 1864 in Yamhill county, Oregon. In 1865 he moved to Dallas, Oregon, and engaged in the practice of law. In the year 1866 he was elected prosecuting attorney of that district, comprising three or four counties, and served two years. He left Dallas and went to Salem, Oregon, in the fall of 1874. From there he moved to Colfax, in the Palouse country, in the spring of 1878. There he remained practicing law until his death, which occurred from heart failure, in the court room on the 8th day of June, 1883, while defending a man named Frank Hammond for murder committed at Ainsworth, Washington. While a resident of Oregon he was candidate for Congress, being defeated by only one vote. He was married in Michigan to Rhoda Ann Wilson, who died in Salem, Oregon, March 8, 1875. They had four sons and three daughters, all of whom are still (1904) living. William J., born in 1848, resides in Inyo county, California, and is engaged in mining; Ephraim Henry was born in Eaton county, Michigan, July 31, 1850, and removed with his parents to Nebraska in 1855, and to Washington Territory in 1878. He was admitted to the bar at Colfax, Washington, in 1880, where he became a member of the firm of Sullivan, Walford & Sullivan. He served several terms on the bench in Colfax county, resigning to go to the Klondike, where he spent one year, returning to Spokane, where he still resides. Prescott Cato was born in Nebraska in 1856, migrated westward with his parents, and finally en-

flexible honor; and our sincere wish is that he may yet live to see Nebraska a state, and highest honors his."

While the message clearly confirms the *Star's* estimate that the governor was "not endowed with shining talents" and possibly leaves open the question of "excellent sense," yet, regarded as a contemporaneous view of conditions and an authoritative statement of facts, it is interesting and valuable history. Its preaching proclivities may perchance be suggestive of the more pretentious national executive messages just now in vogue, and it seems charitable to point out this mutual sanction of which both stand so much in need.[1]

gaged with his brother, E. H. Sullivan, in the practice of law at Colfax, Washington, but removed to Tacoma in 1888 and thence, to San Bernardino, California. Potter Charles resides and practices law at Seattle, Washington. He was a delegate to the National Republican convention at St. Louis in 1896 and was afterward nominated as the republican candidate for governor of Washington, but was defeated by the fusionists. Of the daughters, Electa was born in 1852, married a Mr. McCain and lives at McMinville, Oregon; Rhoda May, now Mrs. Platte Mead, was born in 1862 and lives at Oto, Iowa; and Belle, born in 1865, married a Mr. Morse and lives at Tacoma, Washington. Amanda M. Sullivan, a younger sister of Potter C. Sullivan, married Thomas M. Carter at De Soto, September 21, 1856, this being the first marriage at that place.

[1] MESSAGE OF GOVERNOR IZARD TO THE 2D TERRITORIAL LEGISLATURE

"Fellow Citizens of the Council and House of Representatives:

"By the favor of Divine Providence, we are again permitted to meet, as coordinate branches of the territorial government of Nebraska. It gives me no ordinary pleasure to welcome you to the capitol, and to congratulate you upon the present prosperous condition of our infant territory, which I conceive to be justly attributable to the bold and energetic measures which resulted in an early organization; and whatever may be the opinion of individuals, as to the propriety or impropriety of the policy pursued, we have abundant reason to-day to thank God, who said 'let there be light, and there was light,' that he has overruled all for good, and that our unparalleled progress and present prosperity are the result.

"On the 16th day of January last, the first legislative assembly for the territory of Nebraska, in obedience to the proclamation of Acting Governor Cuming, convened in this hall, to lay the corner-stone of a new commonwealth, and to enact laws for the government and welfare of its citizens; and be it ever remembered to their credit, that, in spite of the factious opposition of malcontents, and the fears and forebodings of the timid, they succeeded in organizing a government, which at once inspired confidence among our citizens, gave new life and vigor to Nebraska enterprise, and ratified with a voice of encouragement from the far west, the great principles of popular sovereignty. . . .

"Your capitol building, for the construction of which a liberal appropriation of fifty thousand dollars was made at the last session of congress, to be applied under my direction, I am happy to say, has progressed as fast as circumstances would permit. The foundations are now complete, and about five feet of the basement story. The work, so far, has been executed in the most substantial, and workmanlike manner. Contracts have been closed with responsible men for the entire mason work and external finish of the building, a large amount of materials have been collected, and are now on the ground, and the most energetic measures are being taken to prosecute the work, without delay, as soon as practicable, in the ensuing spring.

"The dimensions of this structure, from outside of porches, is one hundred and thirty-seven and a half feet in length, by ninety-three and a half in width; one hundred and nine and a half feet by sixty-five and a half feet in the clear; and sixty-seven in height. Its internal arrangement is calculated for the accommodation of the legislative assembly, the supreme court and territorial library, and all the federal and territorial officers and public stores. The estimated cost of the edifice, covering all necessary expense, to its final completion, according to the most reliable data, is seventy-nine thousand seven hundred and five dollars and seventy-nine cents, exceeding the appropriation already granted for the purpose, by nearly thirty thousand dollars. All the facts bearing upon the case have been communicated to congress, and I feel confident that this additional appropriation will be granted among the provisions of this winter for territorial purposes. This superstructure, when completed, will stand second to no building of the kind in the United States for beauty of proportion and complete adaptation to the uses and objects for which it is designed.

"I have no hesitation in predicting that it will be regarded with satisfaction and pride both by residents and strangers, as a commodious and permanent structure, and an imposing ornament to the beautiful eminence selected by the wisdom of your legislative assembly, as a permanent location for the capitol of Nebraska. It is no small source of gratification to me to say, further, in this connection, that the plans which I projected, and which were drawn out in detail by William Rumbold, Esq., of St. Louis, the skillful and accomplished architect employed for that purpose, have not only been approved by all master builders who have visited our territory, but that our sister territory—Kansas—has adopted them, in whole, without alteration; and I flatter myself that the day is not far distant when the visitor to the twin territories, west of the Missouri will see their seats of government decorated by capitols perfected after the same model. . . .

"Your territorial library, for the purchase of which an appropriation of five thousand dollars was made at the last session of congress, to be applied under my direction, has been contracted for on the most advantageous terms, and will be delivered in this city early in the spring. It will be composed of the choicest legal, literary and miscellaneous works, and will place within the reach of our citizens an almost inexhaustible fund of useful information.

"The great territorial road from this point to Fort Kearney, for the opening and construction of which, an appropriation of fifty thousand dollars has been made by the congress of the United States, will, in all human probability, be surveyed during the present winter or early in the spring, and I

The governor's picture of the industrial development of the territory was mainly fanciful and gratuitous. For many years after this time progress was chiefly speculative—hoping instead of doing. Until 1861 the inhabitants were virtually non-producers. And indus-

confidently expect that it will be put under contract during the coming summer. This road when completed is destined to be not only the great thoroughfare for western travel, but also the forerunner of the projected railroad to the Pacific, which must and will at some future day, traverse our borders. . . .

"The public surveys within the limits of our territory, under the wise direction of our accomplished Surveyor-General, Hon. John Calhoun, are progressing rapidly, and we may reasonably calculate that our whole belt of country bordering on the Missouri river, from north to south, will be ready for market in the early part of the summer. This event, to which our citizens are looking with intense interest, cannot fail to have a salutary effect upon our permanent prosperity. The term 'squatters', will then be superseded, and we shall become the rightful sovereigns of the soil. . . .

"The laws enacted by the last session of the legislative assembly—principally adopted from the several codes of the adjoining states—have been found by experience to be incongruous and conflicting in many important respects, and the doubts and difficulties arising in their application have led to many errors and omissions in the administration of our territorial affairs. The legislature, in anticipation of this result, with wise forethought appointed a board of commissioners to arrange a systematic code of civil and criminal law, for the protection of the rights and property of our citizens. This board have been sedulously engaged in executing the difficult and responsible task assigned them; and, as I am informed, will be ready to report the result of their labors at an early day of the present session. . . .

"For information upon the present financial condition of our territory, I respectfully refer you to the accompanying reports of the auditor and treasurer, by which it will be seen that the revenue arising under the operation of the present law is wholly inadequate to meet the demands upon our territorial treasury. . . .

"Your legislature at the last session adopted a system of common schools and incorporated three literary institutions of a higher order, to-wit: The 'Simpson University,' located at Omaha City, the 'Nebraska University,' located at Fontenelle, and the 'Nebraska City Collegiate and Preparatory Institute,' located at Nebraska City. Since the adjournment of the legislature, the several boards of trustees have been actively engaged in devising means for their endowment. I am happy to inform you that their efforts have been successful to some extent, and I feel confident that the proper representations from your honorable body will persuade the federal congress to strengthen the arms of the friends of education in our infant territory by liberal donations, either in money or land, to each of the above institutions. . . .

"Our laws already provide that fines and forfeitures should be used for the benefit of the school fund. This, however, is entirely inadequate. In addition to this, a general fund should be created by direct taxation upon all the taxable property in the territory. As soon as our land comes into market, it is probable that much of it will pass into the hands of resident and non-resident speculators. Such lands could thus be made to contribute a just proportion to the maintenance of a system of common schools. . . .

"The permanent protection of our frontier settlements from Indian depredations, considered in connection with the future growth and settlement of our territory, is a matter of vital importance. The present military arrangement for that purpose is evidently imperfect, and should be adapted to the local necessities of the country, without further delay. In this opinion I am sustained by all the military men with whom I have conversed—having had the opportunity to confer with many who are familiar with the geography of the country. If the government could be induced to remove the garrison from Fort Pierre to some suitable point on the Missouri river, at or near the boundary line of the ceded territory, and open a communication along that line in the direction of Fort Laramie, by the establishment of posts at proper distances from each other, an impassable barrier would be formed against the hostile incursions of the countless hordes of savages who inhabit the country north and west of us, and the protection thus given to our settlements would be complete without the effusion of blood, and would greatly reduce the enormous expenditures now being made to but little purpose. . . .

"At the opening of the spring, as was anticipated, the Indians commenced depredations upon the property of the settlers—robbing their houses and driving off their stock with impunity, and, in some instances, breaking up entire settlements. From the commencement of these depredations, complaints were almost daily made to me, accompanied by the strongest appeals from our injured citizens for that protection which their exposed condition required. Their petitions I was reluctantly compelled to waive for the time being, in the hope that the necessary aid would be received from the government. This state of things continued up to the 30th of July last, at which time I received an express from Fontenelle, communicating the painful intelligence that a party of our citizens had been attacked by a hostile band of Sioux Indians about two miles from that town—robbed of their property—men murdered and scalped, and a woman wounded, marvelously escaping with her life; and that numerous parties of hostile Indians were lurking in the vicinity, committing continual depredations upon the property of citizens. Upon the receipt of this intelligence, I immediately issued an order, directed to Brigadier General Thayer, requiring him to raise a volunteer force and proceed without delay to the frontier and take such measures for the protection of the settlements, as the circumstances seemed to require. On the receipt of the above order, the general at once issued a call for volunteers, which was responded to by our citizens with the utmost enthusiasm. Arms and munitions of war were obtained by extraordinary exertion from every quarter, and forty men—mounted, armed, and equipped, under the command of Captain W. E. Moore—were despatched to Fontenelle in less than fifteen hours from the receipt of the intelligence. Upon their arrival at that point, it was found necessary to establish a post in the vicinity of that place, and also to station a small company at Elk Horn City, and

trial development was very limited until the coming of the railways encouraged it—or in fact made it practicable.

The report of the territorial auditor to the legislature showed a bad financial beginning. The levy of a tax of two mills on the total assessed valuation of $617,882 would have yielded an insufficient territorial revenue at best; but the auditor was obliged to report that, as not a single county treasurer had settled his accounts with the territory, he had no means of knowing how much had been collected, and he had been obliged to draw warrants to meet expenses to the amount of

one at Tekama, which stations were kept up until the 9th of October last, when it was ascertained that the Indians had retired into the interior, and no further danger being apprehended, the troops were disbanded. The estimated cost of this expedition, as shown by the report of General Thayer, including compensation of officers and soldiers, and cost of supplies, is $9,100., of which, for the payment of about two thousand dollars covering the cost of supplies, private individuals were compelled to make themselves personally responsible. The facts are now all before congress, and I trust that an appropriation will be promptly made to meet this unavoidable expenditure. In aid of this, I recommend that a resolution be immediately passed instructing our delegate in congress to press the matter at an early day. . . . With a view to the future security and permanent protection of our frontier settlements, to increase the facilities for the transportation of the United States mails and military stores, I would respectfully suggest that adequate appropriations should be made by congress for the opening and constructing of military roads, from Ft. Leavenworth to Ft. Pierre; from Nebraska City to New Ft. Kearney, and also from a point on the Missouri river opposite the mouth of the Big Sioux, following a westwardly direction along the line of the ceded territory, to Ft. Laramie. The cost of the above roads would be comparatively small; the face of the country through which they would pass is peculiarly adapted to the construction of roads, nothing being required but to bridge the streams and cast up mounds at proper distances from each other to mark the lines. . . .

"Perhaps in no territory organized since the existence of our federal union, has the inadequacy of the salaries of the government officers been so severely felt as in the territory of Nebraska. The great scarcity of timber—our position, inaccessible during a large portion of the year, to the populous parts of the adjoining states, for the purposes of transportation of merchandise, the exceedingly high and exorbitant prices of provisions, labor and building materials, all combine to render it essential to the proper and competent discharge of their official duties that the salaries of the officers should be increased, and I deem it but an act of justice to them that your honorable body should call the attention of congress to this subject, there being no just reason why the officers of Nebraska should not be placed on an equal footing, at least with those of the most favored territories.

"In connection with the above, permit me to call your attention to the subject of making donations of land in quantities of one hundred and sixty acres to actual residents, and those who may settle in our territory within a specified time—say two years from the first of January, 1856. By reference to the act of congress of 27th of September, 1850, it will be seen that provision was made for granting lands to actual settlers in the territory of Oregon, and subsequently that similar provisions

were extended to other territories. No one can doubt the justice or propriety of this measure. . . .

"An additional land office should be established, and for the general convenience of residents and others, dealing in the public lands, one of these offices should be located north, and the other south of the Platte river. When we consider the vast amount of unsurveyed lands within our territorial limits, it would seem right and just that a surveyor general's office should be established for Nebraska. . . .

"The Omaha, Pawnee and Ottoe tribes of Indians, now roaming over the country, without any fixed habitation, committing occasional depredations upon the property of our citizens, should be at once permanently settled upon the lands assigned them, and confined within their limits. If indeed it be the desire of the government to rescue and reclaim these remnants of once powerful tribes, the policy of individualizing them by sending among them philanthropic men, of unexceptionable morals and undoubted integrity, competent to teach them the cultivation of the soil and the arts of civilized life, should at once be adopted. . . .

"The central position of our territory, between the Atlantic and Pacific seaboard, and on the direct commercial highway between them, naturally forces upon our attention a subject of the gravest import, viz.: the establishment of a continuous line of military posts from the Missouri river, along the Platte Valley, to the states and territories of the Pacific. . . .

"The greatest danger which has as yet threatened to sap the foundation of our free institutions springs from that odious spirit of localism and sectionalism which has prevailed in many parts of our country over those higher qualities which dignify our race, and which have hitherto confined our political conflicts to the salutary issue of distinct and opposing principles. As an ally of this reckless and traitorous restlessness, the spirit of know nothingism, abolitionism, and other isms of the day, have been appealed to; and for a time this unnatural combination of discordant elements seemed to meet with partial success; but we have reason to thank God that the returning sober second thought and sound sense of the American people, inspired by the spirit of true patriotism and love of union, have come to the rescue, and branded this last and most repulsive innovation with that moral condemnation which we trust will always rest upon the men, and the designs, whose success would rend asunder the dearest ties that bind us together as a people. I may be permitted to say, in this connection, that it is our duty, as true patriots and friends of the best interests of mankind, to cultivate that unity of purpose in support of the great principles of state rights and popular sovereignty, which will enable us, ere long, to act with efficiency as a powerful member of the American union. In order to do this we should commence the work at home and endeavor, in all

$1,971.20, with about $1,000 of the last year's appropriations still to meet. The warrants covered incidental legislative expenses, which the federal treasury did not recognize, amounting to $1,454.70, and the salaries of the auditor, treasurer, and librarian in the munificent sum of $516.50. The valuation of the counties was as follows:

| | |
|---|---|
| Burt | $ 13,006 |
| Cass | 71,524 |
| Dodge | 14,455 |
| Douglas | 311,116 |
| Nemaha | 74,980 |
| Otoe | 85,701 |
| Richardson | 26,643 |
| Washington | 20,397 |
| | $617,822 |

Hadley D. Johnson was elected public printer by the two houses, and an attempt was made to choose a joint chaplain also, but the houses could not agree, and Rev. Henry M. Giltner was chosen by the house and Rev. William Bates by the council.[1]

On the 26th of December, O. D. Richardson, J. L. Sharp, and J. D. N. Thompson, of the committee appointed at the previous session to prepare a code, reported that Mr. Poppleton had resigned from the committee, and that since they "could avail themselves of but a very limited number of the revised codes of the different states on account of their scarcity in this region, and as the territorial library has not yet arrived" but few books were within their reach. Still, though their work had been laborious, it was nearly completed. It would consist of four parts, two of which were now reported and the other two, relating to courts and to crimes, would be ready within a week.[2]

The two houses appointed a committee to examine the work of the code commission, consisting of A. A. Bradford, A. D. Jones, and S. M. Kirkpatrick of the council,[3] and Bowen, Riden, Finney, Miller, and Moore of the house,[4] with Bradford for chairman. This committee reported the work of the commission, with such amendments as they saw fit to make, to the council, and most of the first two parts was finally adopted by both houses, the remainder going over, without consideration, to the next legislature. Those parts of the code adopted by the 1st legislature, relating to courts and their jurisdiction and to crimes and their punishment, crude as they were, remained in force until the 3d legislature provided a substitute for the first and repealed the second, leaving the territory for a time entirely without criminal law.

The new law provided that the general assembly should thereafter meet on the first Monday in January of each year, instead of the first Tuesday of December as fixed by the law of 1855. The census act of March 16, 1855, provided also that annual elections should be held on the first Monday in August, except the first election, which should be held the first Tuesday of November, 1855;[5] and the election law of the same year also provided that elections should take place the first Tuesday in November,[6] so that for that year there was no conflict. The census act of January 26, 1856, provided that the election of that year should be held on the first Tuesday in November.[7] But the elections law provided that general elections should be held on

---

our acts, by patient and mutual conciliation to allay that unfortunate tendency to bitterness of feeling which exists between the two sections of the territory divided by the Platte river. No good can possibly arise from the encouragement or continuance of such a contest. . . . Already seven different railroads are steadily approaching us, west of the Mississippi river, and their lines are converging to a point on the Missouri, where they will unite in a common trunk and make their final passage over the Rocky mountains. All the arguments that have been adduced upon this subject show that the Platte Valley must be the selected route for the ultimate location of this great national thoroughfare. The moral and social consequences of that event and the benefits it will bring in its train, to the whole of Nebraska, are incalculable, and will exceed our most sanguine hopes. . . ."

—(House Journal, 2d Ter. Sess., pp. 8–31.)

[1] Rev. Reddick Horn of Nemaha county was first elected as chaplain on the third day of the session, but after the holiday recess Rev. William Bates was elected and Rev. Horn was given compensation for eight days' service.

[2] House Journal, 2d Ter. Sess., p. 45.

[3] Council Journal, 2d Ter. Sess., p. 30.

[4] House Journal, 2d Ter. Sess., p. 45.

[5] Laws of Neb., 1st Ter. Sess., p. 157.

[6] Ibid., p. 175.

[7] Laws of Neb., 2d Ter. Sess., p. 181.

the first Monday in August; that a delegate to Congress and members of the council should be chosen in 1856 and every second year thereafter; and that all territorial and county officers, including district attorneys, justices of the peace and constables, and one county commissioner for each county, should be chosen in 1857, and every second year thereafter.[1] This conflict was settled by another act of the second session[2] which provided that the election of 1856 should be held in November instead of August. This act also took from the governor the power to receive returns and issue certificates of election to candidates for members of the legislature and of "forming precincts" in the several counties, which was conferred by the census act of 1856 as well as that of 1855. The authority first named had also been conferred upon county clerks by the election law, and the second upon county commissioners by the law creating the commissioner system. This reconciliation act was introduced on the evening of the last day of the session by Dr. Henry Bradford and immediately passed by both houses. The incident illustrates again the

SECOND TERRITORIAL CAPITOL BUILDING OF NEBRASKA[3]
Erected in 1857–58 at a cost of about $130,000, and located on Capitol Hill, Omaha, the present site of the Omaha high school building. This shows the building in its uncompleted condition with only a few of the columns in place, and these were later pronounced unsafe and removed.
The above engraving is from a photograph made in 1859 by P. Golay, and now owned by Mrs. S. D. Beals of Omaha.

[1] Laws of Neb., 2d Ter. Sess., p. 49.

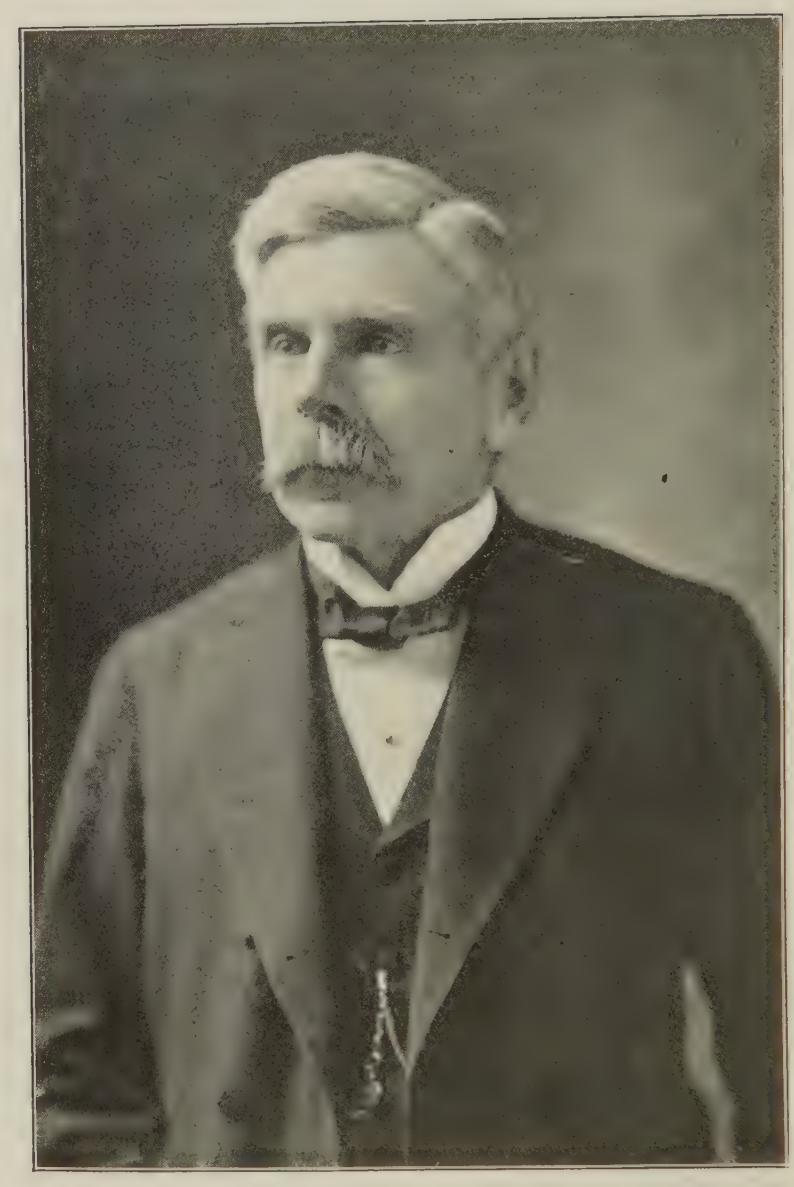
[2] Ibid., p. 197.

[3] "Description of the capitol building of the Territory of Nebraska, taken from the *Nebraskian* published at Omaha City, Nebraska Territory, October 3, 1855:

"'THE CAPITOL BUILDING OF NEBRASKA

"'We have seen at the executive office the drawings of the plan of the capitol building of this territory; and through the politeness of Wm. Rumbold, the gentlemanly and accomplished architect by whom the plan was designed and who is now in this city superintending the work, we are enabled to give our readers a more perfect description of the building than has yet been published.

"'The building will be of brick, with a tin roof surmounted with a beautiful observatory and the whole is calculated to be done in the most thorough, substantial manner. The extreme length is 137 feet, extreme width 93 feet. The body of the building is 109½ feet long by 65½ feet wide, and 62½ feet in height to the apex, presenting 4 fronts



Nathan P. Dodge

carelessness and lack of oversight of the early legislatures. The act creating the county commissioner system provided that all three commissioners should be chosen the first year —1856—and one of the three every year after.

Continued contradictions and crudities indicated more than the ordinary degree of inefficiency common in legislative bodies. Chapter 2 prescribed the duties of county assessors, while their election or appointment was not provided for, and the section of the old law imposing the duties of assessment on sheriffs remained unrepealed. The laws had been considered by the standing code committee for nearly a year, and again by the joint special committee during the session, and had been copied largely in blocks from the statutes of other states, so that a reasonable degree of accuracy might have been expected.

A general incorporation law was passed, but it was not exclusive, the power of the legislature to pass special acts of incorporation being specifically recognized. A general act for the incorporation of towns was passed, and the term "city," so greatly overworked at the first session, had apparently dropped from notice through exhaustion. Under the laws of the 1st legislature the business of counties was distributed in a complicated mess among various county officers, the judge of probate falling heir to all that was not specifically parceled out to others.

The 2d legislature established the county commissioner system, and placed the general business of the county in the hands of three commissioners elected from as many districts therein. This commissioner system reached Nebraska on its westward course from Pennsylvania through Ohio, Indiana, Illinois, and Iowa, our legislature having copied it from the Iowa statute. It originated in Pennsylvania in 1725,[1] but its germ in the Northwest territory first appeared in 1792 in the first county organized there, and which comprised about half the present state of Ohio. It was adopted in a more developed form in 1795, and in 1804 three commissioners, possessing general fiscal and administrative authority, were elected in the several counties of the state of Ohio.[2] The commissioner system then, in its present scope, essentially, came to us from Ohio.

By a special act the commissioners were empowered to divide the counties into "convenient precincts," each entitled to two justices of the peace and two constables. This decentralizing act took this power away from the governors, with whom it had been lodged up to that time.

Under the new school law the territorial librarian continued to act as superintendent of schools with a salary of two hundred dollars a year, in addition to his salary of one hundred dollars as librarian. The confusing and demoralizing provision of the act of 1855, giving authority to examine teachers and to issue them certificates to teach to both county superintendents and district boards of directors, was retained in the act of 1856, except that the clause "or cause to be examined" of the act of 1855 was stricken out and the duty of making examinations thus peremptor-

with a colonnade portico on each 14 feet wide and 65 feet long. All the ornamental portions on the outside are of iron and the capitals of the columns are of the Corinthian order with modillion cornice. The basement is 5 feet above the ground and 8 feet in the cellar and will be occupied for the offices of the district attorney, marshal, etc. On the first floor above the basement are the supreme court room, library, offices of the auditor, treasurer, librarian, clerk of the supreme court and three committee rooms for the legislature. On the second floor are the senate chamber, hall of representatives and offices of the governor and secretary. The senate chamber is 35 by 45 feet and is to be finished in the Grecian style of architecture. The hall of representatives is 45 by 60 feet with a gallery and is to be of the Roman order, and the ark cornice over the speaker's seat is to be surmounted with three eagles, the coat of arms of the territory and the territorial motto, 'Popular Sovereignty,' inscribed beneath them. The supreme court room is to be finished in the Doric style. The whole plan reflects great credit on the skill of the designer, Mr. Rumbold; and the energy with which our worthy Executive, Governor Izard, is pressing the work forward is worthy of all praise. In addition to its admirable adaptation to the uses for which it is designed, as the 'State House of Nebraska,' occupying its commanding position on Capitol Hill, the building will be a conspicuous ornament to Omaha City, and a monument of refined taste, foretokening the glorious future of Nebraska which the people of our whole territory may regard with emotions of patriotic pride.'"—(Records of Nebraska Territory, p. 61.)

[1] Howard, Local Constitutional History of the United States, p. 382.

[2] Ibid., pp. 424–25.

ily imposed on the incompetent directors and virtually annulling the like authority of the county superintendents.[1] These officers were allowed two dollars for each day of actual service and two dollars and fifty cents for each quarter-section of school lands they might sell—when they should come into market. The salary of the territorial auditor was fixed at two hundred dollars, and of the territorial treasurer at one hundred and fifty dollars.[2] The salaries of all the officers named remained the same as they were the first year, and in comparison with the comfortable compensation of the governor, secretary, and judges, which was paid out of the federal treasury, furnishes a fair illustration of the poverty of the territory at that time. The laws for estrays and for the registry of marks and brands, both favoring the running at large of live stock, indicated the feeling of the time that even in the eastern part of the state the raising of cattle was of more importance than the cultivation of the soil. A provision was added to the law governing the common school system directing county superintendents of schools to appraise sections 16 and 36—the lands set apart for school purposes by the organic act—at a value of not less than one dollar and twenty-five cents an acre, and offer them at public sale, the proceeds to be invested in real estate mortgage bonds drawing 10 per cent annual interest, and the interest alone to be used for maintaining schools.[3] The legislature memorialized Congress in a joint resolution to convey these school sections to the territory as they were surveyed, that they "might be enabled to apply a portion of the same in raising a fund for school purposes while we have no other resources by which to raise said fund." The legislature undertook to break up the official carpet-bag system by providing that a delegate to Congress must have resided in the territory at least one year before his election, and that members of the legislature must have resided in their districts six months before the time of their election. A requisite of residence for a married man was that his family should reside in the territory. This act was a sign of a growing belief in the permanency and stability of the settlement of the territory. In the same act those

JOHN EVANS[4]
MEMBER OF THE 1ST TERRITORIAL COUNCIL

[1] Laws of Neb., 2d Ter. Sess, p. 68.

[2] Ibid., p. 167.

[3] Ibid., p. 60.

[4] John Evans, prominent Nebraska pioneer, was born March 31, 1822, in Baltimore, Maryland, and died October 7, 1901, in Omaha, Nebraska. He was the son of Joseph Evans, whose wife, before her marriage, was a Miss Barrett. They were both residents of Baltimore, where they kept a bookstore. While John Evans was yet an infant his parents moved to Philadelphia, where he obtained such education as his limited opportunities permitted. At the age of ten, animated by a desire to assist the family, he left home to work as errand boy in a wholesale shoe house. He spent his nights in study, with such books as he could procure, even taking up the study of medicine, knowledge of which became valuable to him in after years. He rapidly rose in the shoe trade until he had a business of his own. About 1847 Mr. Evans came west with his young wife, remaining some time in Quincy, Illinois, whence he came to Nebraska, in 1855, with what was known as the "Quincy Colony," comprising a lawyer, two ministers, two physicians, and several business men. He settled in Fontenelle, where he resided for six years. Here his versatility came into full play, for he acted as notary public, lawyer, surveyor, and physician. The farmers came for miles around to press him into the performance of

eligible to any office of trust or profit were confined to free white males[1]—the same class which by the organic act composed the electorate.

The marriage act of the first session declared all marriages between whites and negroes or mulattoes void. The act of 1856 changed this so as to limit the prohibition to those possessed of one-fourth or more of negro blood. The act of the first session was reported by Mr. Richardson from the judiciary committee of the council,[2] and was copied from the Iowa statute of marriages of January 6, 1840.[3] The act of the second session was reported "with amendments" by Mr. Bradford, chairman of the joint committee for examining the work of the code commission,[4] and was further amended in the committee of the whole in the council,[5] and also by the house.[6] The modified provision in relation to the intermarriage of whites and negroes remains in the statutes of the present day. The prohibition was dropped in Iowa in the revision of 1860.[7] A bill[8] repealing the section in question, introduced by Mr. Ricketts, a colored member of the house, was passed by the legislature of 1895, but was vetoed by Governor Holcomb.[9] The veto message discloses the objections taken by the governor:

"After careful consideration I am led to the belief that this measure does not represent a demand of the people, and return it without my approval. The effect of the bill is to legalize marriages between the white and black races. It is a question of gravest importance, and should demand the careful deliberation of the legislative body before a change is made in the law. From the statements of various members of the legislature it is apparent that this measure was hurriedly passed during the closing hours of the legislative session without consideration, many members afterwards openly declaring that they did not know they had voted for the bill on its final passage. The alteration of existing laws, contemplating pronounced changes in moral and social questions, should emanate from the declared wishes of the people. There is in my opinion no pressing demand for the proposed amendment. If the people desire that this change be made the question can be agitated, and at the next session of the legislature the will of the people may be expressed after a careful consideration of the proposed amendment. Without entering into a discussion of the merits of the proposal to allow the intermarriage of whites and blacks I am constrained to disapprove of this hastily enacted bill."[10]

An act of this session provided for the first military organization, and territorial and military terms are confused in the enactment

various functions, some even wanting him to act as minister, although he was not a communicant in any church. From Fontenelle he went to Omaha, where for many years he was engaged in the grocery and seed business. In politics he was a republican and was elected to many public offices. He was a member of the council in the 2d territorial assembly, representing Dodge county. He was a member of the Omaha city council and treasurer of the school board for several years. He was also the second president of the Omaha board of trade and was one of the committee of fifteen which drafted the metropolitan charter of the city of Omaha. While not a member, he was a regular attendant with his family at the first Presbyterian church in Omaha, and was president of the board of trustees for several years. But it was as an Odd Fellow that Mr. Evans was best known. He joined the order in Philadelphia, in 1845, and became a member of the grand lodge of Pennsylvania in 1847. He joined the Omaha lodge in 1864, and became a member of the grand lodge of Nebraska in 1860 when he was elected to the office of grand secretary, which office he held for eleven years. In 1890 he was grand master, being the thirty-third grand master of Nebraska. He was at one time a member of the Masonic Order, but gave that up in order that he might better attend to Odd Fellowship. Mr. Evans led a remarkably active life up to within a short time of his death. He was married on the 31st day of March, 1842, to Miss Anna Maria Snell, who was born in Philadelphia, Pennsylvania, August 8, 1823. Charles Edward Evans, the only issue of this marriage, was born July 2, 1843, in Philadelphia, and lived in that city until he was eight years of age, when he removed with his father to Quincy, Illinois, and from Quincy to Nebraska, August 1, 1855. He now resides in St. Joseph, Missouri. The first Mrs. Evans died July 2, 1843. Mr. Evans married Miss Eliza P. Davis, November 8, 1847, who now (1904) resides with her son, Edward D. Evans. The children of this marriage were: John B., an officer of the Oregon short-line railroad, Salt Lake City; Perla, wife of Samuel Houston; May Evans; and Edward D., cashier of the Cady lumber company, Omaha.

[1] Laws of Neb., 2d Ter. Sess., p. 79.

[2] Council Journal, 1st Ter. Sess., p. 60.

[3] Statutes of Iowa, 1843, p. 436; Revised Statutes of Iowa, 1860, p. 427.

[4] Council Journal, 2d Ter. Sess., p. 46.

[5] Ibid., p. 47.

[6] House Journal, 2d Ter. Sess., p. 147.

[7] Laws of Iowa, Revision of 1860, p. 427.

[8] H. R. 339, House Journal, 1895, p. 335.

[9] Ibid., p. 1388.

[10] Acts vetoed by the governor of Nebraska 1869–99, office of secretary of state.

with characteristic frontier freedom: "The territory of Nebraska shall constitute one division: said division shall consist of two brigades. All that portion of the territory lying north of the Platte river shall constitute the first brigade. And all that portion of the territory lying south of the Platte river shall constitute the second brigade." The official list was as formidable as the rank and file turned out to be insignificant. It is the present-day recollection of General Thayer that little more than nominal organization was accomplished under this act at that time. The governor was to be commander-in-chief of all the forces; and a major-general of the division, and a brigadier-general of each brigade were to be chosen by the two houses of the legislature, which held a joint session for that purpose, January 24, 1856. John M. Thayer was elected major-general, and L. L. Bowen, of Douglas county, brigadier-general of the northern district without opposition. John Boulware[1] of Otoe county, and H. P. Downs, H. P. Thurber, and Thomas Patterson[2] of Cass county were candidates for the office of brigadier-general for the southern district. On the first ballot Boulware received 15 votes, Downs 9, Thurber 4, Patterson 7. On the second ballot Boulware and Downs had 18 votes each; on the third ballot Boulware had 14 votes and Downs 21, and so Mr. Downs became brigadier-general of the 2d brigade.

There was a general grist of special acts of incorporation, but much fewer in number than at the first session. Simpson university of Omaha (reincorporated), Nemaha university[3] at Archer, Washington college[4] at Cuming City, the Plattsmouth Preparatory and Collegiate Institute,[5] and Western University[6] "to be located near, or in Cassville, Cass county," made up the modest list of incorporations for higher institutions of learning. The first was organized under the auspices of the Nebraska district and the Council Bluffs district of the Iowa annual conference of the Methodist Episcopal church. The other four were to be stock corporations with a capital of one hundred thousand dollars each. None was ever successfully organized.

There was a strong movement in the house, stimulated of course by the still living capital feud, to create the county of Sarpy out of the southern half of Douglas.[7] A compromise was effected in the shape of a substitute[8] which formed a separate election district out of the

[1] Col. John Boulware was a pioneer of Nebraska as early as 1826, having come up the Missouri river that year and established himself at old Ft. Atkinson. After some years spent on the frontier he moved to Platte county, Missouri, where he remained until about 1846; and this year he established a ferry for the federal government at old Ft. Kearney. In 1849 he was placed in charge of the property of Ft. Kearney, and in 1852 became postmaster of the newly established town of Table Creek, which two years later was changed to Nebraska City. He was one of the original incorporators and officers of the old town of Kearney, which also became a part of Nebraska City. In 1855 Colonel Boulware was elected a member, from Otoe county, of the house of representatives of the 2d territorial assembly. It was through his influence and assistance that the Platte Valley bank did not close its doors during the panic of 1857, though he was not on very friendly terms with S. F. Nuckolls, the president of the bank. Colonel Boulware died January 3, 1864. One son, John B., removed to Utah in the early days. Another son, George W., born in Platte county, Missouri, was raised in Nebraska City and died there October 20, 1881. He took charge of the ferry after his father's death and carried the mails between Nebraska City and Sidney, Iowa.

[2] Col. Thomas Patterson was a native of Washington county, Pennsylvania, and a pioneer settler of Rock Bluffs precinct, Cass county. In the very early days he owned a large and beautiful farm on the Missouri river bottom, but owing to the change in the current of the river the farm was all washed away. Colonel Patterson was a surveyor by profession and surveyed and platted Rock Bluffs, and his original and peculiar manner of numbering lots and blocks is still carried on the tax lists of Cass county. He was an uncle of James M. Patterson, for many years prominent in the history of Cass county. One son resides in Cass county.

[3] The list of incorporators of Nemaha University to be located at Archer in Richardson county were as follows: Thomas B. Froman, Andrew Trebble, Rev. Pleasant M. Rogers, John C. Miller, Christian Bobst, Justus C. Lincoln, Abel D. Kirk, Joseph L. Sharp, Charles MacDonald, Bethel Allen, Charles Downing, and Lewis Misplais.

[4] The incorporators of Washington college to be located at Cuming City, Nebraska territory, were: Benjamin R. Folsom, James C. Mitchell, Thomas B. Cuming, Mark W. Izard, Paris G. Cooper, William B. Hail, John C. Campbell, and J. B. Radford.

[5] The incorporators of Plattsmouth Preparatory and Collegiate Institute were: L. H. Stringfield, William Garrison, Samuel Hahn, Timothy L. Gaskill, William R. Davis, Joseph L. Sharp, Abraham Towner, Moses F. Shinn, Edward Arnold, Moses Stocking, and Levi G. Todd.

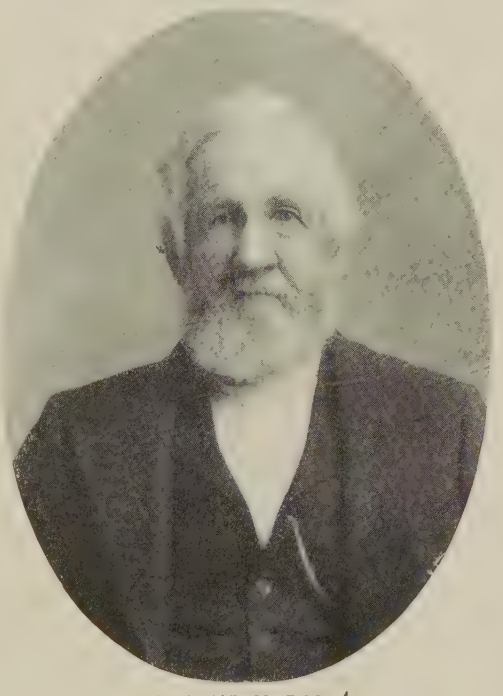
[6] The incorporators of Western University were Samuel M. Kirkpatrick, Henry C. Wolph, M. B. Case, William T. Laird, John McF. Hagood, G. W. Moore, and Matthew Hughes.

[7] House Journal, 2d Ter. Sess., pp. 57, 61.

[8] Ibid., p. 123.

territory now comprising Sarpy county, with the exception of a strip two miles wide on the present southern border of Douglas county. The 2d legislature formed the judicial districts as follows: 1st district, Burt, Dakota, Dodge, Douglas, and Washington counties, "and the territory north and west"; 2d district, Cass, Clay, Lancaster, and Otoe counties, "and the territory west thereof"; 3d district, Johnson, Nemaha, Pawnee, and Richardson counties, "and the territory west of said counties." Chief Justice Ferguson was assigned to the 1st district, Associate Justice Harden to the 2d, and Associate Justice Bradley to the 3d.

A general law was passed empowering the people of the several counties to select or change the location of the county seats. The "Salt Spring Company"[1] was incorporated "for the purpose of erecting suitable buildings, furnaces, and reservoirs to carry on the business at the Salt Springs discovered by Thomas Thompson and others, lying west of Cass county." The six applications for divorce were referred to the judge of the 1st judicial district for action at his discretion. The first legislation for the Order of Odd Fellows in Nebraska was the incorporation of "the Masonic and Odd Fellows Hall Company"[2] of Otoe county "for the purpose of erecting in Nebraska City, South Nebraska City, or Kearney City a suitable building or buildings to be used in part as a hall for Masonic and Odd Fellowship purposes"; and also the Odd Fellows' Hall Association[3] of Omaha, No. 2, of Nebraska territory. A penitentiary for the territory was located at Tekamah, and the proprietors of the town were required to donate ten acres of land for a site. But though Congress was regularly importuned by the territorial legislatures, no appropriation for constructing the proposed penitentiary was obtained until just before the time of admission to statehood. The first act providing for the organization of religious societies was passed at this second session.



AMAZIAL M. ROSE[4]

The boundaries of Cass, Dakotah, Nemaha, Ottoe, and Richardson counties were changed, and in this act one "t" is dropped in the spelling of Otoe. Up to this time the spelling of this name with two t's by the legislatures and the press had been general. The organization of eighteen new counties was also authorized. Seven of these, namely,

[1] The act to incorporate a saline company to be known as the "Salt Spring Company" named as incorporators: John Griffith, Thomas Thompson, John Clemons, John McF. Hagood, William Williams, Benjamin Williams, John J. Gilmore, Bela White, William T. Laird, and Joseph B. McKay.

[2] The following were the incorporators of the Masonic and Odd Fellows' Hall company: Miles W. Brown, John B. Boulware, Charles F. Holly, Louis Hass, George W. Boulware, David Lindley, J. W. Stull, John C. Campbell, William P. Birchfield, William Anderson, A. J. Armstrong, Edward R. Harden, Mastin W. Riden, and Isaac L. Gibbs.

[3] The incorporators of the Omaha Odd Fellows' Hall association as named in the act were: Taylor G. Goodwill, Hadley D. Johnson, George Armstrong, and A. S. Bishop.

[4] Amazial M. Rose, member of the 2d legislative assembly of Nebraska territory, was born in the township of Bristol, Trumbull county, Ohio, January 1, 1824. His father, Ira Rose, was a shoemaker by trade, but a farmer as well. He was a native of Connecticut and came of a well-known New England family of English extraction. Ira Rose was thrice married, the subject of this sketch being the oldest son of his second wife, who was Mrs. Betsy (Morely) Barnes, a native of Massachusetts. She died in 1844, leaving five children. A. M. Rose was educated in his native county and learned the cooper's trade, though he never followed it after he came to the West. He was one of the earliest set-

Clay, Greene, Gage, Izard, Lancaster, Saline, and York, had been authorized by the previous legislature. Two of the new names in this act, Calhoun and Monroe, and two of the old, Greene and Izard, have disappeared from the map, no organization having taken place under them, and Clay and Jones were organized, but the first was afterward merged with Gage and Lancaster, and the second with Jefferson county. Monroe county voted at the general elections of 1859, and its returns became notorious in the contest between Estabrook and Daily, candidates for delegate to Congress; it was added to Platte county by the legislature of 1859–60. The rising tide of Civil war passion in the legislature of 1861–62 swept the names of Calhoun, Greene, and Izard off the map, and substituted for them respectively Saunders, Seward, and Stanton. There is a tradition among old settlers that Greene county was named after a "Missouri rebel." James S. Green,[1] the United States senator from Missouri, would answer the requirement, except that his name is spelled without the final "e." Colonel Colton Greene would have answered completely, but he was a young man at that time, and only became known as an efficient officer in the Confederate service after the outbreak of the war. But whatever the origin or significance of this particular appellation, the obtrusively loyal legislature got rid, summarily, of three offensive southern names. The bills changing the names all passed with a rush and without division, and apparently without comment by the press.[2]

The continued impoverished condition of the territorial finances is illustrated by the act authorizing the treasurer to borrow four thousand dollars on the bonds of the territory, at a rate not exceeding 15 per cent annual interest, for the purposes of paying officers and employees of the 1st and 2d legislatures and for taking the census of 1855. A large number of territorial roads were specifically established, and a general law gave county commissioners power to open and keep in repair all county roads. Room was found for four more ferry franchises on the Missouri river. The most important legislation of the session was the granting of charters to five so-called wildcat banks: The Bank of Florence, the Nemaha Valley bank at Brownville, the Platte Valley bank at Nebraska City, the Fontenelle bank at Bellevue, and the Bank of Nebraska at Omaha.

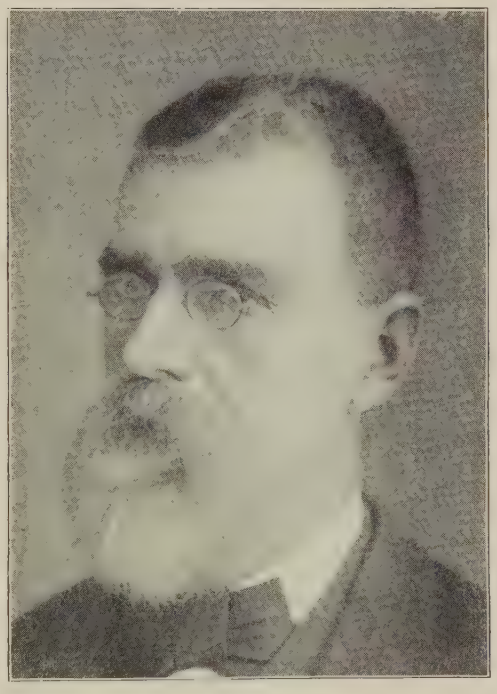
---

tlers of Nebraska territory, having crossed the river at Nebraska City, then known as Ft. Kearney, when only two or three buildings and the abandoned federal fort could be seen. He settled there before the town was laid out, and carried the chain for Charles Pierce and Dr. William Dewey, who surveyed the site of Nebraska City. Mr. Rose took a prominent part in the management of public affairs in the early days, and in 1855 was elected a member from Cass and Otoe counties of the 2d territorial legislature. In the spring of 1859 he returned to his old home in Trumbull county, Ohio, where he remained six years; then he again came west and settled on land in Cass county. During his first residence in Nebraska City he entered land which is now the site of a packing house. He again sold out and purchased a farm in Liberty precinct, near the mouth of the Weeping Water, where he lived until he retired from active work, and moved to Union, Nebraska. He was married in Bristol township, Ohio, on October 8, 1845, to Sobrina Webster, who was born March 28, 1824, in Chautauqua county, New York. Mrs. Rose was an active member of the Cumberland Presbyterian church. Seven children were born to them, four of whom died in infancy. Those living are G. Albert, Lalla K., wife of Charles Barrow, and Virgil E.; all residing at McLean, Nebraska. Mr. Rose moved to the present Pierce county, Nebraska, in the spring of 1902, and now (1904), at the age of eighty-one years, together with his aged wife, makes his home with his youngest son, Virgil E., in McLean. Mr. Rose has always been a republican and active in local politics.

[1] Senator James S. Green of Missouri had been a member of Congress, but was not widely known until his election to the United States Senate, January 12, 1857, while the act organizing Greene county was approved March 6, 1855. There is, therefore, much more reason for believing that Greene county was named for Manly W. Greene, one of the first and most prominent settlers of Cass county, and one of the members of the original Plattsmouth Town company and also one of the three commissioners appointed about the same time to define the boundaries and locate the county seat of York county. There is additional reason for believing that Greene county was named for the Cass county Greene in the fact that the three commissioners appointed to define the boundaries and locate the county seat of Greene county, Lafayette Nuckolls, Joseph D. N. Thompson, and Joseph L. Sharp, were residents of Cass county and at least two of them were intimately associated with Manly W. Greene.

[2] The course of the organization of the remaining twelve of the counties in question, namely, Butler, Dixon, Fillmore, Gage, Jefferson, Lancaster, Madison, Pierce, Platte, Polk, Saline, and York, may be traced with interest in the historical summary in the addenda of this volume.

Joint resolutions were adopted asking Congress to grant ten sections of land and five thousand dollars for the benefit of Nebraska University at Fontenelle; for the removal of the Omaha Indians, according to their wish, from their new reservation in the Blackbird hills to some place in the interior, and for indemnity to settlers who were driven from their homes by the removal of the Omahas to Blackbird county; for a change in the organic act of the territory so as to base apportionment of representation upon the entire population instead of voters only; for an appropriation to pay the expense of defense against Indian depredations during the past year, and the donation of one hundred and sixty acres of land to each man regularly mustered into the service for such defense. Mr. Gibson, for the committee on federal relations, made a report in the form of a memorial to Congress praying for a free grant of one hundred and sixty acres of the public domain to actual settlers of Nebraska, which illustrated the spirit and anticipated the arguments that a few years later stimulated the passage of a general homestead law.[1]



WILLIAM BURNIE BECK[4]

On the 11th of January, Mr. Decker introduced a bill to relocate the capital at Chester, in what is now Lancaster county, and on the 16th, William A. Finney,[2] J. Sterling Morton, and James H. Decker, of the committee to whom it had been referred, recommended its passage.[3] Dr. George L. Miller made a minority report as follows:

"In the examination of the subject which this bill brings to the notice of your committee, the importance of the change contemplated by its provisions calls for a few reasons to justify the difference of views and opinions between the majority and minority of your committee.

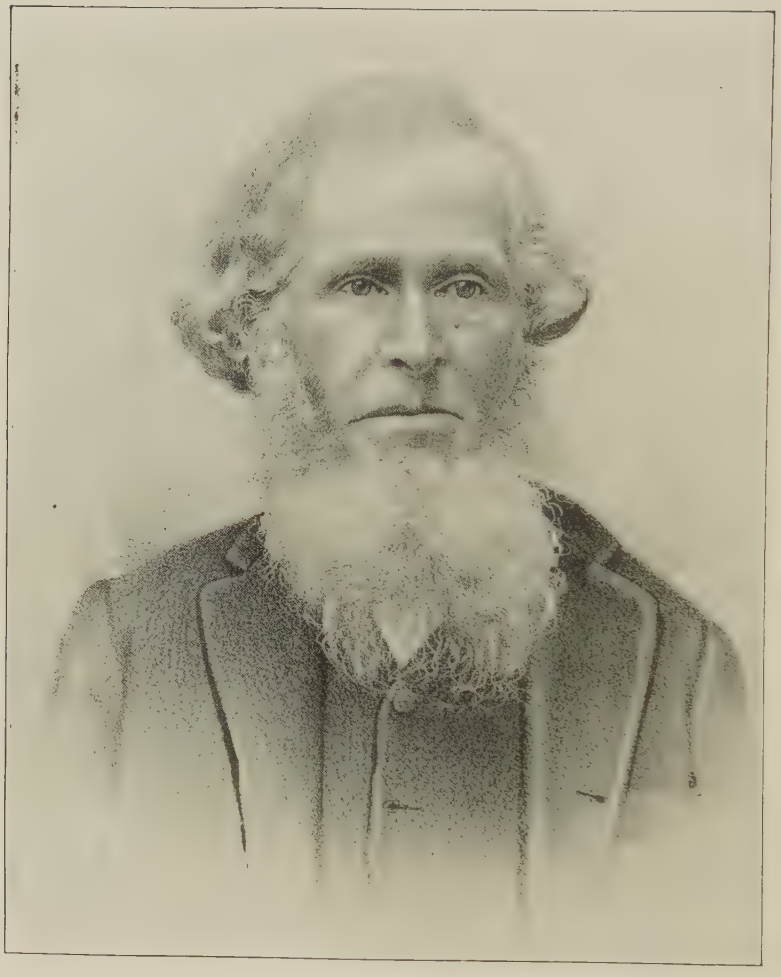
"A brief review of the organization of the territory brings to our consideration the fact that, in accordance with the requirements of the organic law, the seat of government of Nebraska was, by the acting governor of the territory, located at Omaha City. The wisdom of that selection was confirmed by a subsequent legislature against the most strenuous efforts made to frustrate and defeat that organization, and an unprejudiced view of the existing condition of our affairs would seem to impose upon all who desire the permanent progress of our territory the duty of upholding that policy under which we are enjoying

[1] House Journal, 2d Ter. Sess., p. 94.

[2] William A. Finney, member of the lower house of the 1st, 2d, and 3d territorial assemblies of Nebraska, from Nemaha county, was a native of Ohio and was born about 1827. Nothing can be learned regarding his early life, and there is but little record of his career in Nebraska. He came to Brownville immediately after Richard Brown founded the town. He was one of the commissioners to locate the first territorial road in Nemaha county, commencing at Brownville and ending at Marshall's trading post, on the Big Blue river. In 1857 he operated the first steam ferry at Brownville, but during his residence there he was principally engaged in trading with the Indians. He went to the Black Hills, and in the spring of 1859 removed to California, but returned to Brownville in August, 1861.

[3] House Journal, 2d Ter. Sess., p. 111.

[4] William Burnie Beck, member of the 2d territorial legislature, was born January 3, 1834, in Dumfrieshire, Scotland, son of Ebenezer Patterson and Sophia Dixon (Burnie) Beck, who came to the United States in 1836 and settled on a farm in Erie county, New York, where for some years they engaged in stock raising. In 1849 W. B. Beck went to California and engaged in mining until 1851, when he returned to New York. He came to Nebraska in 1855, residing first in Tekamah, but later settled in Arizona precinct, Burt county, and engaged in farming and stock raising. August 6, 1855, he enlisted in a company formed for the protection of settlers against the Indians, and was commissioned first lieutenant by Governor Izard. He was elected to represent Burt county in the 2d territorial assembly; in 1879 was a member of the state senate; and again served in 1890–91. In 1882 he



Yours Truly
John F. Buck

the benefits of a just and impartial administration of the territorial government. It can not be denied that the capital is now located as near the geographical center of the territory as may be, and that its present situation is the best that can be named for the accommodation of its resident population. A comprehensive view of the interests to be consulted upon this subject would show that its removal to a sparsely populated district could possibly be of no practical advantage to the territory at large. Large amounts of money have already been expended toward the erection of a suitable state house at the seat of government as now established, and under the liberal patronage of the parent government and the energetic direction of his excellency, the governor, we have every reason to congratulate ourselves upon the prospect of its speedy completion. To reverse the policy under which we are so prosperously advancing in our career would be, in the opinion of the undersigned, eminently disastrous and suicidal. For these, among other reasons, I beg to report adversely to the bill under consideration, and to recommend the indefinite postponement of the same."

Mr. Thomas Gibson[1] also made a minority report which is of interest as a reflection of the opinion at that time as to the probable coming center of population. Mr. Gibson admitted that the proposed location on Salt creek might benefit a large majority of "our present population," but his objection was based on the following considerations:

"In submitting this report it becomes my duty to offer, as an individual opinion, the proper course to pursue in the relocation of the seat of government. From information which may be had it is supposed that 80 to 100 miles will be the extent of our settlements westward, and about 100 miles northward. It is seen, then, that the relocation must be north of the Platte river, and about 40 miles west from the Missouri to be centrally situated; and in selecting a site for so important a purpose it is requisite that reference should be had to eligibility for the purpose of a town site, where water, timber, and position of land are found supplied, and where a location for health will be a desideratum. Such a position can be found on the Elkhorn river, and not one more desirable than the city of Fontenelle."

With his report Mr. Gibson offered a bill to locate the capital at Fontenelle.[2] The removal bill was killed by postponement on the 22d of January by a vote of 13 to 11. Of the South Platte members, Hagood[3] and Buck[4] of Cass and Hoover of Richardson and

removed to Tekamah, and three years later was appointed postmaster by President Cleveland. In 1892 he moved to Wyoming and settled on a stock ranch in Big Horn county, where he remained until his death, which occurred in Pender, August 18, 1900. October 14, 1861, he was married to Hannah Blackstone, who now resides with her sons, William E. and George T., in Big Horn county, Wyoming. One daughter, Mrs. R. A. Smith, resides in Tekamah, Nebraska. The late James B. Beck, who represented Kentucky in the United States Senate, was an elder brother. Another brother, John B. Beck, now (1904) resides near Attica, New York.

[1] Thomas Gibson was born in Derby, England, in 1819; learned the printing business, and published the *Mechanics' Organ*. He emigrated to America in 1849, settling at Quincy, Illinois, where he published the first republican newspaper in that state. He was a member of the "Quincy Colony" which settled at Fontenelle, in 1854, where he established the first sawmill in 1856, and where he resided until 1859, when, with his family, he went to Colorado, remaining there until 1864. Mr. Gibson started the Rocky Mountain *Gold Reporter* in July, 1859, which was discontinued five months later. He was associated with William N. Byers and Dr. Gilbert C. Monell in founding the Rocky Mountain *News*, the first newspaper in Colorado. He was one of the clerks of the convention to draft a constitution for the proposed territory of Jefferson, which met in Denver May 7, 1860. Mr. Gibson returned to Nebraska, and in 1869 went to Omaha where he was associated with C. R. Schaller in the real estate business. In 1879 he became secretary of the Omaha Board of Trade and while still holding this position, he established, in 1880, the first plant in Omaha for the manufacture of barbed wire fencing, and several other industries. It was largely through his efforts that the Board of Trade building at the corner of 16th and Farnam streets was erected in 1884. He resigned as secretary of the Board of Trade in 1885 and removed to Los Gatos, California. He was a 33d degree Mason. He was married in 1839 to Sarah Wehldale, who bore him eight children: Henry, Thomas R., Arthur, Frank W., Jennie, George E., William, and Sally.

[2] House Journal, 2d Ter. Sess., p. 113.

[3] John McF. Hagood, a native of Kentucky, was born about 1812 and settled in Rock Bluffs precinct, Cass county, in October, 1854. He was married November 8, 1856, to Miss Mary C. Brown; was elected to represent Cass county in the lower house at the second session of the territorial assembly, November 6, 1855, and again elected to the tenth session in 1865. Also represented Cass county in the house of representatives in the fifth session of the state legislature. June 11, 1861, he enlisted as a private in company A, 1st regiment of Nebraska veteran volunteer infantry and was commissioned second lieutenant January 1, 1862, promoted to first lieutenant, May 30, 1862, and mustered out August 27, 1864. For additional information see vol. II

[4] John Foster Buck, Nebraska pioneer, was born in Bucksville about seven miles from Auburn, New York, May 31, 1815, and died near Union, in Cass

Nemaha voted against removal, while all those voting for removal were of the South Platte.[1]

Two members—J. Sterling Morton and Dr. George L. Miller—whose flight, in state politics, was to be long and high and to extend into the national empyrean, tried their fledgling wings in this 2d legislature, and in spite of their adolescence they at once became conspicuous. J. Sterling Morton, not yet twenty-four years old, was chairman of the committee on public buildings and grounds, and second on the committees on common schools and printing. We readily infer that the chairmanship of the public buildings committee was not unsought by Morton nor grudgingly bestowed by Speaker Sullivan. Hostility to the Omaha element and, in particular, to Secretary Cuming as its rough-shod general, had already naturally focused in Morton's intense temperament. It was the intention of the anti-Omaha, or, roughly rounded up, the South Platte representatives to undo the capital location business of the first session and to uncover the methods of its doing. Speaker Sullivan of Washington county, which had lost the capital prize, was the natural ally of the South Platte. Morton at once began an inquisition for a showing by Secretary Cuming to the house as to his expenditures for public printing,[2] and by the governor and secretary of all documents in regard to public buildings, including estimates and contracts;[3] and later in the session his resolution "requiring" the secretary "to lay before the house of representatives a copy of his instructions which he alleges to have received from the comptroller of the United States treasury in regard to the pay of clerks, firemen, and chaplains for this territory."[4] Since the expenditures under the first two subjects of inquiry were from federal appropriations and for which the secretary and executive were accountable to the federal treasury department, technically, perhaps, they could not be required to account also to the local legislature. The secretary promptly responded to the first request,[5] but it does not appear that the governor or secretary complied with the request for a showing as to public buildings.

The more diplomatic Gibson, of Dodge county, moved to cure the innuendo of the intentionally undiplomatic Morton by substituting the word "has" for the words "alleges to have," but Miller, who was the alert defender on the floor of Omaha men and measures, moved to table the resolution. The motion was lost by a vote of 11 to 13, and, after the more judicious word "request" had been substituted for Morton's intentionally peremptory "required," on motion of a more

county, Nebraska, September 1, 1901. His father, Aholiab Buck, was born near Wyoming, Pennsylvania, in 1776, a descendant of an English family that settled in America early in its history. The mother of John Foster Buck was Annis (Drake) Buck, who was a grandchild of one of the first settlers of Manhattan Island, then known as New Amsterdam. The Buck family resided in Pennsylvania until after the celebrated Wyoming massacre, after which they took up their residence in Troy county, New York. In the neighborhood of his New York home John Foster Buck attended the district school, then of a subscription order, and there gained the rudiments of an education which he augmented in later life by extensive reading and observation. He was reared as is the son of the average farmer, and made self-reliant by being taught the art of farming. His first money was earned by selling apples to the passengers on the Erie canal. In 1831, when he was sixteen years of age, he became a resident of Peoria county, Illinois, and there he resided until May, 1855, when he came to Nebraska, and settled upon the quarter-section of land upon which he resided until his death. As a farmer he was successful, and became the owner of considerable land, and at one time, in addition to his original homestead, had an eighty-acre tract for each one of his nine children then living. In stock raising and general farming he was one of the pioneers in his section. Some years prior to his death he retired from active business, and resided upon his farm. He was a man who exercised a wide local influence for good, and was honored and respected by his fellow citizens. For more than forty years he served continuously as a justice of the peace in Cass county. For all his adult life he adhered to the principles of republicanism. He was first a whig and a supporter of William Harrison for president, and after that, until his death, voted for every whig and republican nominee for the presidency, and his last vote was cast in 1900 for William McKinley. Mr. Buck was married November 5, 1839, to Mary M. Schryder. To Mr. and Mrs. Buck ten children were born (five of whom are still living), namely, Abigail Jane, wife of Andrew Klepser; Sarah Annis, wife of Capt. W. B. Gates; Maria Adeline, wife of J. D. Cross of Akron, Colorado; John Spaulding, married to Miss Huldah Wolph, who resides at Gleneden, Washington; and Theodore Drake Buck, married to Frances Barber, who resides in Cass county.

[1] House Journal, 2d Ter. Sess., p. 143.

[2] Ibid., p. 30.

[3] Ibid., p. 33.

[4] Ibid., p. 135.

[5] Ibid., p. 32.

peaceable, if less virile South Platte member, the resolution passed without division.[1] All who have watched with clear vision Morton's long and impressive career till its late lamented end will read in this boyhood resolution the forecast and the epitome of the man; the same undisguised and relentless attack on opponents, the abandon in giving battle which burns the bridges of retreat, and the uncompromising and implacable spirit which, while they were perhaps the chief source of his strength, yet almost uniformly defeated his political aspirations. The following resolutions, also characteristic of their mover, were offered by Mr. Morton:

"Whereas, At the last session of the legislative assembly of the territory of Nebraska, James C. Mitchell[2] was appointed, by joint resolution of the Council and House of Representatives, sole commissioner to select the

[1] House Journal, 2d Ter. Sess., p. 135.

[2] James C. Mitchell, member of the council from Washington county, in the 1st territorial assembly of Nebraska, was born at Bristol, Pennsylvania, in 1811. His youth was spent in his native state and in New York, whence he emigrated to Jackson county, Iowa. Previous to coming west he had followed the sea and was captain of the ship "Splendid." The exact date of his settlement at Bellevue, Jackson county, Iowa, is in doubt, but his name appears as president of the board of trustees of that village as early as 1841, and, according to documents on file in the archives of the Historical Department of Iowa at Des Moines, James Thompson was killed by Mitchell at Bellevue in 1840. There appear to have been two factions prominent in Bellevue, Iowa, at the time, one under the leadership of W. W. Brown, a notorious character, who was proprietor of a tavern at that place, which was the rendezvous of a band of law-breakers under the lead of James Thompson. The other party was headed by a Col. Thomas Cox, known as "The Old War Horse." Brown and Cox were both candidates before a caucus called to name one delegate to the Iowa Democratic territorial convention. Cox being defeated, denounced Brown as a horse thief, counterfeiter, etc. This election was the first cause of the "Bellevue War." The breach between the two factions was further widened by the killing of James Thompson by James C. Mitchell, the facts of which are really all that Nebraskans are interested in: "The anti-Brown faction got up a grand ball to celebrate the anniversary of the battle of New Orleans, on January 8, which is known as Jackson's day, and a committee on invitation was appointed. One of the members of that committee was James C. Mitchell, who declared that none of the Brown faction should be invited, and Mitchell had his way in the matter. Previous to this, James Mitchell and his brother had been having trouble: the brother's household goods were in Jim's house, and Jim would not allow him to have them. On the night of the ball, the brother concluded, would be a good time to secure the property, while the family were away from home. Getting a team and some help he went to Mitchell's house, and finding no one at home except a Miss Hadley, loaded up the goods and hauled them away. James Thompson was sent up stairs to guard Miss Hadley, who had retired, but she made her escape from the house and went to the ballroom in her night clothes. Mitchell immediately borrowed a gun and started to hunt for Thompson, who anticipated just such action, and had set out to find Mitchell, Absalom Montgomery going with him. All accounts agree that Thompson was very drunk. It was a clear moonlight night, and the two men recognized each other at quite a distance, but they approached within striking distance before they attempted to shoot. Thompson's gun missed fire, but the bullet from Mitchell's gun passed through Thompson's heart, killing him immediately. There was terrible excitement in the little town that night, and war was imminent, but was finally averted by the influence of Hon. William Morden and others. Mitchell was protected by the sheriff and kept under guard at home until the next term of court, when he was indicted by the grand jury—April 17, 1840—and was tried at a special term held in June of the same year; the verdict of the jury was "not guilty." James C. Mitchell was at Kanesville (Council Bluffs) when the Mormon exodus began. With the opening of Nebraska territory Mitchell, Andrew J. Smith, B. Rush Pegram, and others moved across the river to Winter Quarters, the name of which they changed to Florence, in honor of Florence Kilbourn, an adopted daughter of Mr. Mitchell. Another adopted daughter, Miss J. Anna Floyd, died at Council Bluffs, December 26, 1854, at the age of twenty-one years. She was formerly of Halifax, Nova Scotia, and her people lived in Utah. Mr. Mitchell was one of the incorporators of the bank of Florence and published the Florence *Courier* in 1857. He later became a merchant in Florence, and died there August 6, 1860, where, also, he and his wife and an adopted daughter were buried. It is not known when Mrs. Mitchell died, but she was still living in 1880. As a member of the council Mr. Mitchell was aggressive in his efforts to boom Florence and was "ready to trade, buy, sell, or swap, if he could thereby get advantageous legislation for his town site." The 1st legislature appointed him sole commissioner to locate the capitol building. The following reminiscences of Mr. Mitchell are by Dr. George L. Miller: "He was a small man in stature and not a large one in any sense, but what he lacked in size he made up in activity and pluck. Mr. Mitchell was an avowed and deadly enemy of Omaha. He was a fighter, and his temper was not remarkable for amiability. His age was about forty years, and he was always hustling about as lively as a cricket. His hair was slightly tinged with gray, and his eyes were of the same cold color. Mr. Mitchell was out for all the money there was in anything that came within the range of his sharp vision, as was shown when, after fighting for several years for the removal of the capitol from Omaha, he openly accepted a large number of lots as a consideration, and voted to fix the capitol at a certain place on Capitol Hill in Omaha. As a member of the council he was a man to be dealt with. Quick to see advantages, he was always in evidence when he had interests to serve. As a speaker and parliamentarian he was snappy, petulant, simply smart, and always pugnacious. But he was personally congenial to many and socially very agreeable to those who touched his better nature. That he was a man of indomitable will,

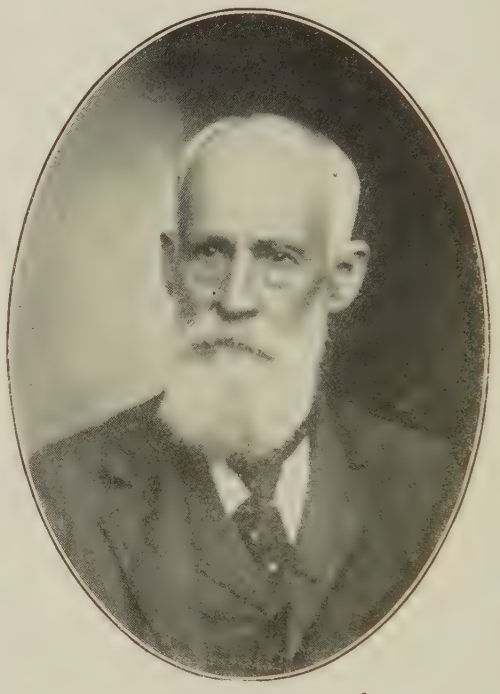
place whereon the capital buildings should be located or erected; and

"Whereas, The said James C. Mitchell, as a condition precedent to his appointment as said commissioner, pledged himself to select the site for the capital buildings on the line between the Clancy and Jeffrey claims; and

"Whereas, There has been a different location of the capital buildings, and an evident departure from the pledge of said James C. Mitchell, as made by him in open Council: Therefore,

"Resolved, That James C. Mitchell, be and hereby is respectfully requested to present to both Houses of the legislative assembly a report stating fully and explicitly all that he has done relative to the performance of the duties enjoined in said commission, stating fully and explicitly the reasons that induced him, the said Mitchell, to depart from his pledged honor to locate the said buildings on the line between the said Clancy and Jeffrey claims, and whether there was any reward or promise offered him to influence the location or selection of the site for said buildings.

"Resolved, That in the event of any person or persons having offered any inducements, pecuniarily or otherwise, or having used any arguments to influence his action as said commissioner, that the name or names of said person or persons be given, with all the inducements offered."[1]



ABEL DOWNING KIRK[3]

After a hot controversy the resolutions passed by a vote of 14 to 10; and here again Miller and Morton led the fight on opposite sides.[2]

J. Sterling Morton's father was a close friend of Lewis Cass, and the bright and susceptible boy had no doubt been much impressed by that statesman's character and career. Cass's distinguished political life had budded in his military and political experience in the Northwest, which had extended even as far as Minnesota. It is a fair inference that young Morton was inspired by the knowledge of the older man's western beginnings, and not unlikely by his direct suggestion, to attempt a like career by following a like course. It might have been expected that Morton, with his political aspirations, after defeat as a partisan of Bellevue, would take counsel of expediency and follow victory to Omaha, now the politician's Mecca. But his aggressive and implacable spirit preferred to fight Cuming and his capital as well rather than to follow them; and in Nebraska City, the most considerable town, and in the leading county of the territory, he chose the best vantage ground. At a time when nothing was re-

energy, force, and great courage, nobody who knew him well ever doubted." A granddaughter of James C. Mitchell, Anna E. Farrell, resides in Minneapolis, Minnesota.

[1] House Journal, 2d Ter. Sess., p. 60.

[2] Ibid., p. 72.

[3] Abel Downing Kirk, member of the 2d territorial assembly of Nebraska, now a resident of Long Beach, California, was born March 23, 1826, in Breken county, Kentucky. He is a son of Thomas Kirk, a native of Maryland, who removed to Kentucky when sixteen years of age, and Rebecca (Downing) Kirk. He was raised upon a farm and acquired his education in the district schools of Mason county, Kentucky. In 1854 he moved to St. Joseph, Missouri, and the following year went to Nebraska, where he became one of the first settlers of Richardson county. He was elected a member of the lower house of the 2d territorial assembly of Nebraska and was candidate for speaker, receiving 12 votes on the first ballot, but was defeated on the second ballot by Potter C. Sullivan. Though from an extreme southern county, Mr. Kirk was the candidate of the North Platte faction. He strongly opposed the bank charters granted at that session. In 1858–59 he was the editor and publisher of the Rulo *Western Guide*, published in the town of Rulo. His paper advocated a free state for Nebraska and supported the Democratic party. In 1860 he took the census of Richardson county, the population being then only 2,834. After the be-

garded as finally settled and with as good a chance as her rival for railroad favors, there was firm ground for hope that Nebraska City might keep the lead and deprive Omaha of the capital, too. The last hope, only, came true.

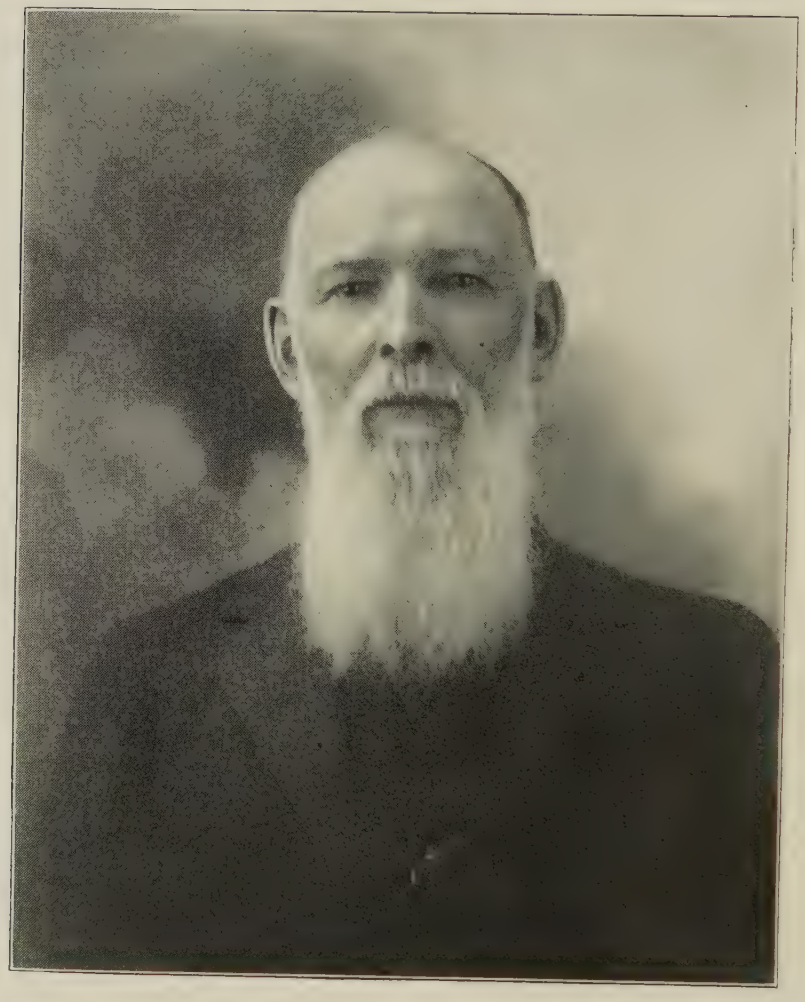
S. F. Nuckolls, of strong, resolute character, a successful man of business, and a principal factor of the considerable prestige and prospect of Nebraska City, discerned Morton's promising qualities, and no doubt influenced him in his choice. In the work of developing the aspiring metropolis of the South Platte section, in which Nuckolls had the chief interest, and in the fight already on against Omaha and the North Platte for political and commercial supremacy, these men of differing temperament and tendency would be mutually supplemental. "We were proud of his acquisition," says Hiram P. Bennet, himself one of the promising young men, and afterward a prominent political figure in the South Platte struggles, of whom Nuckolls had already become in some degree an adviser and patron. For this bitter and protracted warfare the base was wisely chosen, in proof whereof results eventually reinforced reason. For, as we shall see, the prestige and hostility of Otoe county, reflected and largely kept alive by the strong personality of Morton, turned the scale against Omaha in the last weighing of aspirants for the capital. Morton carried on his fight against Omaha and the North Platte section along two lines: he would take away the entire South Platte from Nebraska, and annex it to Kansas; or, short of that, he would take away the capital from Omaha and the North Platte and place it in the South Platte section. Failure of his more sweeping scheme of secession was apparent as early as 1860, but he, or the force of his early impetus, followed the other line to final success in 1867.

JONATHAN H. SMITH[1]
PREST. "FONTENELLE COLONY" 1854–55

They who have known the riper Morton need not be told that he did not spend his political novitiate in this session in laboriously compiling and introducing long lists of bills to be counted off to his credit by an astonished and admiring constituency or a wondering posterity. In fact he presented only three bills and as many resolutions, while similar achievements of colleagues, otherwise unknown to fame, must be counted by the

ginning of the Civil war, Mr. Kirk returned to St. Joseph, Missouri, where he continued to live until the fall of 1901, when he removed to Long Beach, California. He successfully practiced law in St. Joseph from 1862 until 1899. Mr. Kirk has always affiliated with the Democratic party. He has been twice married. His first wife, Elizabeth A. Kirk, died in 1898, and he was afterwards married to Mary E. Woodbury. One son, William B., resides in Lincoln, Nebraska, and a daughter, Angeline R., wife of George E. McIninch, lives in St. Joseph, Missouri.

[1] Jonathan Harvey Smith was born at Putney, Windham county, Vermont, April 11, 1807, and died near Salem, Illinois, in 1866. He received a common school education, and taught in the public schools of Pittsburg, Pennsylvania. He studied law, was admitted to the bar, and made a fortune in the practice of law, but failed during the panic of 1837. In 1843 he started west with a stock of dry goods, his objective point being Jacksonville, Illinois. He traveled by boat to St. Louis, and then up the Illinois river, where he traded his goods for a tract of land in Brown county, Illinois. He resided here for six years, increasing his land holdings to 1,100 acres, which he sold for $15,000, and then removed to Quincy, Illinois, to engage in the banking business. In 1854, in company with Rev. William Wirt Keep, he organized a company for the purpose of planting a colony in Nebraska territory. In the fall of that year representatives were sent out to select a site and make improvements. The following April Mr. Smith and his son, Harvey R. Smith, to whom we are indebted for these facts, set out for Nebraska in a covered wagon, and arrived in the territory about the first of May, going direct to the town site which



Chas McDonald

score. His activities came from original or unusual sources, and he struck in unexpected quarters. While his colleagues, with the weak yielding and impulse of "the crowd," were rushing through wildcat bank charters he interposed a minority report against the principle involved as well as against the acts themselves.[1] While ordinary men were crying, Peace! Peace! as to the North and South Platte divisions, where there could be no peace until the then only dimly foreseen railway system should establish practicable communication between the sections, he cut to the quick of the question by advocating secession of the South Platte and presenting a memorial to Congress for the annexation of that part of the territory to Kansas, giving cogent reasons therefor.[2] The originality of Morton's methods is illustrated in his intervening motion, when it was proposed that the house forthwith choose an additional enrolling and engrossing clerk, that a committee be appointed to examine candidates.[3] The committee reported as follows:

"The special committee on the matter of engrossing and enrolling clerks respectfully submit that they have received applications for the post from the following gentlemen: Messrs. Alden,[4] Gorton, Dendy, Warner, *and others,* and beg leave to commend the ability of the gentlemen named above as they believe them equally qualified to fill the responsible position which they seek. Your committee therefore submit the matter to your consideration.[5]

"J. Sterling Morton.
"Levi Harsh.
"Geo. L. Miller."

The house selected the candidate at the head of the list after six ballots. Where is there a record of a formal civil service proceeding in this country that precedes this one conceived by our tyro statesman of twenty-three years? Morton opposed the civil service reform movement in his later career until he came face to face with the conditions which had stimulated it when he was at Washington as secretary of agriculture. From that time it received his approval and advocacy.

Dr. Geo. L. Miller, who afterward became very prominent as a political journalist and leader, did not introduce a single bill at this session, but he was very active on the floor of the house. He led the opposition to the measure to remove the capital when it was finally defeated for this session, as also in the attempt to divide Douglas county, and he stood unswervingly against the incorporation of the illegitimate financial schemes which were a blight on this legislature. Dr. Miller was a member of three standing committees, and he and Mr. Morton represented the house on the committee to prepare joint rules for the two houses.[6]

---

had been named Fontenelle. The colony was composed of about fifty members, a majority of whom were members of the Baptist church. Mr. Smith's claim was on what is now known as Bell creek, and adjoining the town site. He had one hundred acres broken at once, a part of which was planted to corn. After erecting a temporary house on the town site, he returned to Illinois to get his family, intending to make his home at Fontenelle. About this time, two of the settlers, George Demaree and a Mr. Porter, were on a hunt, when they were attacked and killed by the Indians. This incident caused Mr. Smith to change his mind about taking his family to Fontenelle, and the following summer he returned, sold his claim to good advantage, and went back to his home in Quincy. Mr. Smith was married in Pittsburg, Pennsylvania, to Jane Robinson, December, 1838. They had six children, five of whom are still living: Harvey R. Smith, Chatfield, Minnesota; Mrs. Julia M. Torrance and Mrs. R. Meredith Jones, San Diego, California; Mrs. Helen M. Steele, Los Angeles, California; Jonathan H. Smith was a democrat in politics, and President Pierce was urged to appoint him as governor of Nebraska territory after the death of Governor Burt, and he was finally appointed, June 9, 1855, as one of the three district attorneys, but there is no record of his ever having performed any of the duties of this office. He worked hard to secure the location of the capital at Fontenelle, and it was due to his efforts that a charter was secured for Nebraska university, a Baptist college, which was actually started at that place. Among the first members of the "Nebraska Colonization Company" to settle at Fontenelle were: Jonathan H. Smith, Pres., Rev. Wm. W. Keep, Secy., J. C. Barnard, Treas., J. W. Richardson, Cor. Secy., Jared Blanset, James A. Bell, Wm. Flack, O. C. Barnard, H. Metz, John Evans, Jacob Armor, H. G. Manzey, E. M. Davis, Wm. H. Davis, J. J. McIntosh, G. Williamson, and Rufus Brown.

[1] House Journal, 2d Ter. Sess., p. 139.

[2] Ibid., p. 120.

[3] Ibid., p. 38.

[4] Isaac R. Alden was temporary chief clerk of the council of the 1st general assembly of the territory of Nebraska and a resident of Florence, then in Washington county. He was defeated for chief clerk by Dr. George L. Miller by a vote of 7 to 6.

[5] House Journal, 2d Ter. Sess., p. 47.

[6] Ibid., p. 37.

The prominent members of the first council held their positions relatively in the second, but the three new members, A. A. Bradford, Evans, and Kirkpatrick, took an active and important part in the proceedings. Mr. Rogers,[1] the only member who has continued to live, and to maintain himself as a prominent business man in the commonwealth to the present time (1904), uniformly pursued a conservative course, and especially in opposition to unsound financial schemes—like Morton and Miller of the house.

Among the rather motley membership of the 2d legislature not one was more grotesque and peculiar than Judge Allen A. Bradford, a lawyer by profession, who lived at Nebraska City. He was a native of Maine, whence he came to Missouri and settled in Atchison county; but remaining there only a short time he moved across the state line and became a citizen of Fremont county, Iowa. Very soon he became judge of the court of the district in which that county was situated. There are many amusing anecdotes of Judge Bradford's eccentricities and peculiarities as a jurist. In 1854 he left Iowa and settled in Pierce (now Otoe) county, and there he was elected a member of the second council. He was about fifty years of age. In stature he was short and broad, and he was fat and roly-poly. His face expressed a mixture of cynicism, shrewdness, and good nature. His cheeks were round and unctuous; when he laughed they undulated and trembled like the little hillocks of jelly that shake in old-fashioned saucers when handed from one to another at the table. His mouth was small and puckered, his eyes little and cunning, his voice squeaking and out of all proportion to the adipose chest whence it came; and when he

[1] Samuel E. Rogers, prominent in banking and real estate business since the political organization of Nebraska, was born February 11, 1822, in Fleming county, Kentucky, and came to Omaha in August, 1854, from Havanna, Illinois, and his family followed in October of the same year. He erected his first home on the southeast corner of 11th and Dodge streets, where the police station now stands. He graduated from Wabash college, Indiana, in July, 1848. His father, William R. Rogers, accompanied him to Omaha, and took up a claim of three hundred and twenty acres, just south of the city, in 1854. Upon the death of William R. Rogers, in October of that year, his property rights descended to his son, who since that time has been a heavy holder of Omaha real estate. In 1857, as banker and real estate broker, he had an office at the corner of 11th and Douglas streets, and as late as 1891 he was prominent in the organization of a local retail owner's association. He was one of the original proprietors of the town of Brownville, owning a one-fourth interest in the town site. With the early history of Omaha and Nebraska Mr. Rogers was prominently identified. In 1855 he became a member of the upper house of the 1st territorial assembly, and he was the mover of the second question submitted to that body. He was a member of four of the legislative assemblies of the territory. At the first session he voted for the location of the capital at Omaha, the vote in the council being 7 for Omaha and 6 against, while in the house it stood 14 to 11 in favor of Omaha. In the 4th legislature—1858—a bill was read proposing the relocation of the capital, and thereupon a majority of the members adjourned to Florence upon the pretext that they were unsafe in Omaha. Mr. Rogers was appointed a member of a joint investigating committee, which condemned the adjournment to Florence, and held the majority, or removalists responsible for the trouble. Dr. Geo. L. Miller says that, "Samuel E. Rogers was always a quiet representative of Omaha interests, but none the less alert in their defense. Mr. Rogers is still living (1904) with Omaha as a base and Florida as a retreat. He is now very tall and slender, with long arms, legs, and neck. His head is large and his face is shaven. He never took any active part in the debates in the council, seldom taking the floor for any purpose, but he was a good listener, and was quick to see anything that appeared to threaten Omaha." In 1866 he served for a time as county commissioner, to fill a vacancy caused by the resignation of James G. Megeath. He was one of the first group of eight candidates admitted to practice before the supreme court of Nebraska, at the second session of that body in June, 1855. He was one of the original stockholders and organizers of the State bank of Nebraska, which was subsequently merged into the present Merchants' National bank, of which he was the vice-president from 1875 to 1898. In addition to his holdings of Omaha realty, he has been interested largely in Florida lands, and, with other prominent Omaha capitalists, in oil lands in Wyoming. He was one of the incorporators of the company which in 1888 erected the Coliseum in which many notable meetings have been held, although it has not been successful as a financial investment. Among the great meetings held in this building were the first national convention of the People's party, by which the notable Omaha platform was adopted, in 1892, and the international missionary convention of the Christian churches, October 16–23, 1902. Mr. Rogers was also a member of the syndicate that exploited South Omaha real estate in connection with the stock yards, and he was one of the men from whom George Francis Train made his early purchases of Omaha realty that formed the basis of his Credit Foncier scheme, the amount of Mr. Rogers' holding that became entangled in that transaction and the subsequent litigation being five hundred acres. Mr. Rogers was married in Michigantown, Indiana, in 1841, to Miss Martha Brown. Their only son, G. S. Rogers, holds a responsible position in the Merchants' National bank. Mr. Rogers was prominent in early Nebraska Masonry, and was one of the earliest members of Capitol Lodge No. 3, the first instituted in Omaha.

Engd. by Henry Taylor Jr. Chicago

Saml E Rogers

laughed it was in that jerky sort of way in which liquor bubbles out of a jug, with an intermittent gurgle, that hesitates and then goes on again. He had a general knowledge of law, a great contempt for most of mankind, and no regard for the feelings of any one who dared differ with him upon any important question. He was sometimes politic and always keen and grasping. Therefore when, during the second session of the council in 1856, the question of chartering wildcat banks came up, Bradford was found fiercely advocating them, for the purpose of making money cheaper to the plain people and to increase the per capita circulation among the poor. He was bitter and vindictive in denunciation of all who opposed any of the bank charters, and particularly severe upon those who antagonized the creation of the Platte Valley bank at Nebraska City. Among the latter was A. D. Jones, then and until his recent death a useful citizen of Omaha, whose town site was originally surveyed and platted by him. Mr. Jones vehemently and with good logic denounced all the proposed banks as unsafe He declared that by mere enactment or fiat the territory could not create value in paper promises-to-pay dollars. He argued firmly, thoroughly, and intelligently against all the financial fallacies which Judge Bradford advocated. And finally Mr. Jones made a closing argument against all the bank charters. His peroration was eloquent, with citations from the history of banking in Michigan and the crash and calamity that came to that state through a redundant issue of bank notes. Sturdy facts were arrayed in every stalwart sentence. Prophecies of the panic that would come to Nebraska when the proposed issue of bank notes had driven out gold, silver, and currency redeemable in gold, under the operation of the Gresham law, were delivered with fire and force; and then, winding up his speech, Mr. Jones said: "As an honest man who cares for his good name I can not vote for such banking. Neither expediency nor principle demands such a sacrifice of common sense. Let the gentlemen threaten, they can not frighten. The years that are coming, the monetary experiences that this attempt at creating values will bring to the people will vindicate my judgment. When I am gathered to my fathers I shall be remembered, I hope, as having acted wisely and well in this matter,

ALLEN A. BRADFORD[1]
MEMBER OF THE 1ST TERRITORIAL COUNCIL

[1] Allen A. Bradford, member of the council in the 2d territorial assembly, was born in Friendship, Maine, July 23, 1815. He was a son of Cornelius Bradford, a lineal descendant of William Bradford, second governor of Plymouth colony, and Hannah Gay, the daughter of Eleazer Gay, at one time governor of Maine. Allen A. Bradford spent his early life upon his father's farm. He attended the common school of his native town, was a student in the high school of Camden, Maine, and attended several academies. He taught school for some time, and at the age of eighteen began the study of law at Thomaston, Maine. Soon after reaching his majority he moved to Missouri and continued teaching school, and in the meantime pursued the study of law. He was admitted to the bar in 1843, and in 1845 became clerk of the circuit court of Atchison county, holding the office six years. In 1850 he went to California to visit the gold fields, where he remained about a year, then returned to Missouri, and in 1851 moved to Sidney, Iowa, and engaged in the practice of law. In 1852, when Judge Sloan, the first district judge of southwestern Iowa, and a Mormon, was compelled by public sentiment to resign his office, the bar of that section with many prominent citizens petitioned Governor Stephen Hempstead to appoint Mr. Bradford as his successor. Judge Bradford was accordingly appointed, and his official acts met with so much approval that he was elected for the next term, but before its expiration he crossed the river to Nebraska and took a claim near Nebraska City in 1855. He was a member of the Nebraska City

and I aspire to no higher eulogium or epitaph upon my tombstone than, 'Here rest the remains of an honest man.' "

At that time Mr. Jones[1] was a squatter sovereign upon the land just southeast of the Omaha town site, upon the north side of which the Union Pacific and Burlington depots and their bewildering maze of railroad tracks and sidings now handle the travel and freight of this continent and of Europe and Asia. The Jones claim, upon which he lived, consisted of three hundred and twenty acres. It rejoiced in a pretty piece of woods and a brook of pure water, and Mr. Jones had named it Park Wild. Thus when Bradford closed the debate in favor of chartering the Platte Valley bank at Nebraska City, the Nemaha Valley bank at Brownville, the Bank of Fontenelle at Bellevue, the Bank of Nebraska at Omaha, and the Bank of Tekamah, he said, with all the vigor which his thin and squeaking voice would permit: "Mr. President, the honorable gentleman from Park Wild has declared himself an honest man. Perhaps he is. I don't suppose a man would tell a lie about a matter which is of so little consequence in this

Town company the same year, and was a member, from Otoe county, of the second, third, and fourth sessions of the Nebraska territorial council. Dr. Miller describes Judge Bradford as "a stout man, heavy-faced as well as heavy-bodied, a bushy head of dark brown hair and whiskers, and a clumsy sort of walk. He was on his feet a great deal during the session, and won the odious distinction of bringing about the repeal of the criminal code of the territory, by a combination that was said to involve the personal liberty of more than one citizen who was in danger from it. It was his invariable habit, when he arose to speak, to half close his eyes and pucker his face, and then keep time on his words by tapping a small book or pamphlet which he held in one hand, with a lead pencil or pen held in the other. His voice was a squeaky half-falsetto, and his manner of speaking was anything but attractive; but he would always bear watching; and he was a man of considerable ability." In 1860 he moved to Central City, Colorado, where he practiced law very successfully. In 1862 President Lincoln appointed him one of the judges of the territorial supreme court of Colorado. Immediately after, he moved to Pueblo and was assigned to the 3d judicial district. He held the office until March, 1865, when he resigned, having been elected delegate to Congress from the territory of Colorado. In 1866 he was urged to accept a renomination, but refused on account of ill health. In 1868 he again went to Congress where he ably represented the interests of southern Colorado. He was a member of the order of Odd Fellows. Originally Judge Bradford was a democrat, but subsequently he became a republican; but not being in sympathy with President Hayes's administration, he quit that party and remained an independent till his death, which occurred in Pueblo, Colorado, March 12, 1888. November 1, 1849, he was married to Emeline Cowles, daughter of Harry Cowles, of St. Joseph, Missouri. Mr. Cowles afterwards moved to Nebraska City, and became a prominent citizen of that place. Two children were born to Judge and Mrs. Bradford: Mary Hannah, who died in infancy, and Thomas Allen, born November 1, 1852, and who is now a prominent lawyer of Pueblo, Colorado. Mrs. Bradford survives her husband and now (1904) lives with her son.

[1]Alfred D. Jones, prominent pioneer of the city of Omaha and surveyor of the first town site of that city, was born in Philadelphia, Pennsylvania, January 30, 1814, and died August 27, 1902, in Omaha, Nebraska. He was a descendant of an old family who were for some generations residents of the eastern states. He moved to Ohio with his parents, William, and Martha (Mathews) Jones, when he was four years old, and was educated in the public schools of Cincinnati and Marietta. In boyhood he learned the plasterer's and bricklayer's trade, and by working at this trade paid for his subsequent schooling, particularly surveying, which was his profession for a number of years. Drifting west in this work, he assisted in laying out the town sites of Des Moines, Winterset, Adel, and Council Bluffs, Iowa; and in 1854 he laid out the town site of Omaha and became one of its owners. Mr. Jones was a member of the first municipal council of Omaha, served as a member of the first territorial council in 1854, and was speaker of the territorial house of representatives in 1862. Dr. Miller says of him: "He was a small, nervous, excitable man, who made an humble home at what is now Forest Hill and called it 'Park Wild.' It was surely wild enough in the later months of 1854. He was a slender, spare man of medium height, but his education, like his ability, was limited. He was honest and earnest, and when he addressed the council, as he frequently did, what he had to say did not lack for energy of expression or strength of voice. As a member of the council Mr. Jones was always attentive to his duties and loyal to his constituents." He was one of the founders of the Merchants' National bank in 1882. He was the first postmaster of Omaha, its first mail carrier, and the builder of the first post-office. His appointment as postmaster was made May 5, 1854, and his commission was signed by President Franklin Pierce. Prior to the appointment of Mr. Jones as postmaster, he served as a carrier of the mails from Council Bluffs to the Omaha side of the river, carrying letters in his hat and pockets. For a time while he was postmaster, the office was located in the old Douglas House, on the corner of Harney and 13th streets, and it had four boxes, constructed by dividing an axe-box into compartments. Soon after he erected for the office a small building on Park and Pacific streets near Forest Hill, on what is now the private grounds of Herman Kountze. Over the door of the building he had inscribed on a shingle "Post-office by A. D. Jones, P. M." There was no mail route to the post-office and there was no appropriation for carrier service. For some time Mr. Jones made trips to and from Council Bluffs, carrying the mail himself. He was "judge" of the first "claim club," a position that required more than ordinary judgment and discretion. He was also among the first to be admitted to the bar of Nebraska, though he never practiced. From the time of his first settlement in Nebraska,

distinguished body. But, Mr. President, the gentleman from Park Wild talks of his death, of his grave and his tombstone and an epitaph thereupon. But if he is as good and as honest as he pretends he is, he need fear neither death nor the grave. He never'll die. He'll be translated like Elijah and go up in a chariot, be wheeled right into the golden streets of the New Jerusalem, and made a member of the everlasting choir to sing glory hallelujah forever and ever among the saints and angels; and, Mr. President, he is so good, so pious, and so honest that I wish he were there NOW." This satirical and grotesque apotheosis of Jones finished the opposition to the bank charters and ended the debate. Mr. Jones lived to be ninety years old in the enjoyment of his well-earned good name, and the banks are all dead, having expired in the panic of 1857.

The Omaha *Nebraskian* of February 20, 1856, copies a study of the Nebraska legislature, then in session, by a correspondent of the New York *Times*,—who, it alleges, was the clever young journalist, J. W. Pattison[1]—which possesses sufficient inherent evidence of being tolerably true to life to be worth reproducing:

"It is a decidedly rich treat to visit the general assembly of Nebraska. You see a motley group inside of a railing in a small room, crowded to overflowing, some behind their little school-boy desks, some seated on the top of desks, some with their feet perched on the top of their neighbor's chair or desk, some whittling—half a dozen walking about in what little space there is left. The fireman, doorkeeper, sergeant-at-arms, last year's members and almost anyone else, become principal characters inside the bar, selecting good seats, and making themselves generally at home, no matter how much they may discommode the members. The clerk, if he chooses, jumps up to explain the whys and hows of his journal. A lobby member stalks inside the bar, and from one to the other he goes talking of the advantages of his bill. A row starts up in the secretary's room, or somewhere about the building, and away goes the honorable body to see the fun. Hon. Mr. A. gives Mr. B. a severe lecturing because he didn't vote as he agreed to. Mr. B. says Mr. A. lies, is no better than he should be and reckons he ain't much afraid of him. Mr. C. comes to the rescue and speaks in concert pitch half an hour, and says nothing; then a thirsty member moves an adjournment, and in a few minutes the drinking saloons are well patronized. Although both bodies have about seven days more to sit only four bills have been passed. It is one continued personal and local fight—a constant attempt at bargain, sale and argument. A bill to remove the capital was considered in the House last night until the small hours. It was an amusing time. The history of official corruption was renewed; how through bribery and fraud the capital was located here; how that little arch-intriguer, T. B. Cuming, did many naughty and rascally things, how the people were opposed to the location at Omaha. Morton, member from Nebraska City, Decker from the same place, a man by name of Moore and Dr. Miller took the lead in the discussion. It was nearly all, however, for buncombe."

The two-year-old commonwealth now—1856—begins to show rudimentary features of

Mr. Jones was a continuous resident of Omaha. He was a charter member of the first Odd Fellows lodge established in Omaha, and filled every place of honor in the order up to grand master and sovereign representative. He was also a Mason of high standing and prominent as a member of the Knights of Pythias, and was at one time grand chancellor and supreme representative of this order. Mr. Jones was married September 15, 1847, to Sophronia Reeves, daughter of George and Elizabeth Reeves, pioneer settlers of Jackson county, Missouri, and a connection of the noted Reeves families of Virginia and Kentucky. Mrs. Jones was born in Virginia, November 3, 1826, and died November 29, 1903, at the age of seventy-seven years and twenty-six days.

[1] John W. Pattison was a native of Missouri. Joseph E. Johnson and Mr. Pattison were editors and proprietors of the Omaha *Arrow*, the first Nebraska newspaper, which was published from the office of the *Bugle* in Council Bluffs. The *Arrow* was commenced July 28, 1854, and was discontinued the following 10th of November, after the publication of twelve numbers. In July, 1855, Pattison was elected second lieutenant of a company of troops raised at Fontenelle during the Sioux Indian scare of that period. The campaign of this company was christened the "Cat Fish" war from the fact that the company camped along the Elkhorn river and its members spent the time in fishing. In 1858 Mr. Pattison was, for a few months, associated with W. W. Wyman in the publication of the Omaha *Times*. During the war he was editor and proprietor of a paper at Sidney, Fremont county, Iowa. After the war he was employed for several years by the St. Louis *Republican* as court reporter, and died in that city. Mr. Pattison is credited with being an exceedingly bright young man and his writings attracted much attention. He married Henrietta Redner in the fall of 1856.

normal political organization and life. There is a semblance of public discussion, the basis—in theory—of present political government. There begins to be a public, and there is a good beginning of a press. The census, taken in the fall of this year, will indicate a population of 10,716, and there are two very aggressive political journals, the Nebraska City *News* and the Omaha *Nebraskian,* and one—the *Advertiser* of Brownville, that is industriously newsy. The homing instinct and spirit begin to modify or withstand the predatory carpetbagger and the land pirate. But the dominant issues and the absorbing controversies are sectional, and they are kept alive in the main by and for the rival politicians.

The perennial politics of this period was kept in full life, during the naturally dull season between elections and the sessions of the legislature, by the regular contest over the election of delegate to Congress. The North Platte, or Omaha candidate at the second congressional election was Bird B. Chapman, a young man who had recently come to the territory from Elyria, Ohio, in the direct pursuit of a political career, and with the prestige of being the beneficiary of a popular impression that he was a sort of political legate or next friend of President Pierce. In the character sketches by the over-apt South Platte politicians he comes to us as a mere cunning, tricky, small-bore political adventurer. In fact he was a smooth, suave, and alert politician, of just that smallish caliber which then, as now, is the most useful and likely make-up for achieving a term or two of congressional notoriety, and then to drop into the dead sea of normal mediocrity. While candor can not yield to this first delegate from the North Platte more than the virtue and capacity of the average present day member from Nebraska, it can yet compliment him as the possessor of much less vice and incapacity than he was credited with by his South Platte opponents. J. Sterling Morton—still the boy of twenty-four—was, apparently, by tacit consent, and at any rate by irresistible force and irrepressible impulse, already the speaker-in-chief for South Platte hostility. He was at all times charged with South Platte wrath, and which, let off never so copiously, yet, like the widow's cruse, was only thereby augmented. Sample vials of the Morton anti-Chapman hate, let loose by way of rejoicing

BIRD B. CHAPMAN[1]
SECOND DELEGATE TO CONGRESS FROM NEBRASKA TERRITORY

[1]Bird B. Chapman, second delegate to Congress from Nebraska territory, was born about 1821. Little is known of his early life, but he was admitted to the bar in Elyria, Ohio, in 1843 and practiced law there until 1852, when he purchased the Lorain *Argus* and was its editor until April, 1854, when its publication was discontinued and the outfit moved to Omaha, Nebraska territory, where Mr. Chapman established the *Nebraskian,* beginning its publication in a frame building on Farnam street, near 14th. When Chapman was elected delegate to Congress from the territory, John Sherman was left in charge of the paper, and in 1857 Theodore H. Robertson acquired Mr. Chapman's interest. Chapman was a candidate for reelection to Congress, but was defeated by Judge Fenner Ferguson, whose seat he unsuccessfully contested. In 1859 Chapman returned to Elyria, Ohio, where he resided until 1862, and then removed to Put-in-Bay Island, where he died, September 12, 1871, aged fifty years. The following from the Pittsburg *Post* indicates that Chapman was a seasoned politician before coming to Nebraska: "Away back in the forties, we believe about 1844, so runs the story, the Democratic organ in Indiana was conducted by Bird B. Chapman, a politician of some repute. It was a season of political activity, and the Democrats were rather despondent, as the tide seemed against them. At some local election, preliminary to the general election in the state, the Democrats unexpectedly scooped the Whigs, and a letter from an active Democrat communicating the news to the editor began with the injunction:

A. J. Jones

at the news that the house committee on privileges and elections had decided in favor of Bennet, serve to illustrate in some sort the bitterness of the sectional spirit of the time and the characteristic way in which this most unique figure in Nebraska history manifested it:

"We expected that the voice of the people would be heard there instead of the feeble and imbecile voice of our respected grandmother, the governor of Nebraska. . . . We are rejoiced at the fact, in short we are specially and exquisitely rejoiced because the great bug-a-boo of administration influence . . . failed to frighten away the facts in the case which with a thousand tongues related the baseness, the corruption and the injustice of the miserable beings who filched from Bennet the certificate [of election]. He [Chapman] was an imposter. He never voted the democratic ticket in his life until the fall before the last presidential campaign."[1]

And then follows the epitaph:

"Embalmed with soft soap, chiseled in brass, sepulchered in the cottonwood coffin of public charity, rest now his rotten remains, and ever and anon popular ridicule shall giggle his requiem while common sense shall point to the spot as inhabited by one whom she knew not."

Now, referring to the friends of the prematurely interred statesman who "lament for receiverships, registerships, and land-offices that are not," who have been "indefatigable in lying, surpassless in lickspittlery, without a parallel in rascality. Poor miserable devils, we pity, we lament your ignominious defeat, and the death of your golden calf. Trusting, however, that your affliction may be the means of your purification, we drop you down among the maggots and worms, where you will be at rest and at home, poor devils."

Hiram P. Bennet, Chapman's opponent, was the candidate of the Nebraska City coterie, just as Chapman was of the Omaha coterie. The territorial board of canvassers consisted by law of the secretary and two territorial officers; and the auditor, Chas. B. Smith, and the treasurer, B. P. Rankin, were called in to act with Secretary Cuming in this case. Mr. Bennet complains in his speech in the contest in the house of representatives that all the members of the board were his political and personal enemies. Judged by the prevailing standard of duty it is not surprising that this board undertook to disregard the vote of four counties *in toto* with this very vague explanation:

"The board would also respectfully submit the following return of votes from Dakota, Washington, Richardson and Otoe counties upon which under the specific act which prescribed their powers and duties, viz., the act regulating elections approved March 6, 1855, they feel themselves incompetent to act."[2]

According to the board's finding the five counties whose returns had been accepted gave Chapman 380, and Bennet 292 votes. The returns of the four rejected counties swelled Bennet's vote to 588 and Chapman's to 575—a majority of 13 for Bennet.[3] There are no adequate recorded reasons why the board thus boldly undertook to annul nearly half the vote of the territory; and when living contemporaries of those pioneer state-builders are asked for explanations they only say, with knowing shoulder shrug, "It must have been because Tom Cuming wanted it that way."[4]

In May, 1856, the house committee on elections, ignoring the certificate Chapman had received from the territorial canvassers, reported that Bennet was entitled to the seat, and the committee of course counted the votes of the counties which the canvassing board had thrown out. The old question of the half-breed tract vote again arose, but the committee found that the reservation was part of Nebraska and that the white settlers therein had the right to vote, notwithstanding that

'Crow, Chapman, crow.' Sure enough, Chapman did crow, and, using these words as a head-line in his next day's edition, first introduced the Democratic rooster as the harbinger of victory. The idea was a taking one, and the symbol was quickly accepted and came into general use, at least when the Democrats gained something to crow over." The foregoing information was furnished, in the main, by F. S. Reefy, proprietor of the *Democrat*, Elyria, Ohio.

[1] Nebraska City *News*, May 17, 1856.
[2] Records of Nebraska Territory, p. 67.
[3] Ibid, pp. 70–71.
[4] There is a paper on file in the office of the secretary of state which purports to be the minutes of the proceedings of the territorial canvassing board of 1855, whose members were Thomas B. Cuming, secretary of the territory; Charles B. Smith, auditor; and Benjamin P. Rankin, treasurer. Mr. Ran-

they had been technically excluded from the governor's census. But Alexander H. Stephens made an adverse minority report in favor of excluding the half-breed vote, which would leave Chapman 6 votes in the lead. This was a plausible excuse for the house to ignore the majority report, and to seat Chapman by a vote of 69 to 63; and the *Nebraskian* avers that in the final vote Congress recognized the rejection of the half-breed vote by the territorial canvassers.

But Mr. Bennet's indiscretion was doubtless the real cause of his undoing. He had always been a whig with an anti-slavery leaning, and he made no pretense of democratic regeneration during his canvass. He was a promising and reliable young man who suited Nuckolls, the proprietary genius of Nebraska City, and so, influentially, of the South Platte, and who was also an old line whig, but a slaveholder. Bennet also suited Morton as a likely man to beat the detested "Brass" B. Chapman, as he called him. What suited Nuckolls and his two promising protégés, Morton and Bennet, for practical purposes suited Otoe county, which led the South Platte. The Brownville *Advertiser*, however, had from the first, for reasons of its own, been inclined to cast its political fortunes with the North Platte element, and Nemaha county had actually given Chapman a majority of one. We even find the *Advertiser* contending that the minority report of the house committee shows that Chapman is entitled to his seat.[1] Furnas was sharply criticised by the South Platte press for this misalliance, which was charged to his land-office aspiration.

Bennet's clash with J. L. Sharp in the first legislature, which was wholly to his credit, had not been forgotten by that cunning politician who had diligently collected such evidence as he could of irregular voting in Richardson county, and in person laid it before the proper committee of Congress. But after the majority of the committee had reported in his favor Bennet attended the Republican national convention at Philadelphia, and sat as a vice-president from the territory of Nebraska. This was too much for the more strongly pro-slavery southern members to overlook, and it was welcome ammunition for his enemies at home. The *Nebraskian*, which Morton had lately alluded to as suffering from pecuniary debility and the property of "B. B. Chapman and his toadies," pounces with avidity on the rich morsel Bennet had thrown to his enemies. In its issue of July 9 it charges that Bennet "figured extensively in the late Black Republican convention at Philadelphia," and that, "the Nebraska City *News*, edited by Morton, claimed that he was a democrat and urged squatters to vote for him, and not having learned, as they since have, that Morton's highest ambition was to tell a slick lie, many good democrats voted for him."

At this period the smaller frontier democratic newspapers were very subservient to the dominant southern element of their party,

kin seemed to act in the double capacity of judge of the returns and attorney for Mr. Chapman. Associate Justice Bradley of the territorial court was present and gave his opinion that the session of the board should be private; but Mr. Cuming said that inasmuch as some one or more of the candidates imagined that there might be unfairness in the proceedings, he desired the congressional candidates and his honor, Judge Bradley, to be present. Secretary Cuming, anticipating the great mooted question of the presidential contest of 1876, of which the whole proceeding is a reminder, insisted that the sole duty of the board was to foot up the votes as they appeared in the returns from the several counties and report them to the governor; but Judge Bradley expressed the opinion, "as a citizen not as a judge," that the board had power to consider only those returns which were certified to by the clerks of the respective counties and in full compliance with the law. The question was discussed by Bradley, Estabrook, Andrew J. Popple-

ton, and John McNeal Latham, who acted as counsel for Mr. Bennet. Mr. Latham petitioned for leave to have the defective papers returned to the proper counties for correction, but was overruled by the board. The returns from Washington county were then thrown out, apparently because the poll books did not accompany the record of the vote from the precincts of De Soto and Cuming City; those from Dakota county were thrown out with no reason assigned; those of Richardson county were rejected because "Henri P. Bennet" instead of Hiram P. Bennet, had received seventy-six votes, and because votes of residents on the half-breed tract, estimated at twenty, had not been counted, and the returns had not been certified by the county clerk; those of Otoe county were rejected because they had been sent to the secretary of the territory instead of the probate judge of the county, and because they lacked the certificate of the county clerk.

[1] Brownville *Advertiser*, June 21, 1856.

and were noisome in their abuse of negroes and negro sympathizers. And so we find the *Nebraskian* speaking of the "sooty deity" before which Bennet had bowed, and remarking in rather mixed metaphor that "this last step smells strongly of wool."

The Omaha faction—for as yet there was no organized political party in the territory—encouraged by the seating of Chapman, pressed the suggestion it had previously made for organization, and charged that sympathizers of Bennet opposed it.[1] For Chapman to have triumphed at last was a hard blow to Morton, and instead of feigning acquiescence, as the mere politician does, and as the successful politician usually must do, while he waits for his own turn, he cut loose from restraint and attacked the democratic administration, local and general. His bitterness was increased by the fact that Chapman, in the course of his patronage purveyorship, went to Morton's home and selected for the office of United States marshal Dr. B. P. Rankin, just the pretentious, windy, verbose, and not over-abstemious politician, between whom and Morton mutual dislike and hostility were inevitable. We learn something of political conditions and methods of those times as well as something about an interesting pioneer journalist in this item from the Nebraska City *News* of February 9, 1856:

"B. P. Rankin and J. W. Pattison, are, we learn, candidates for the marshalship of Nebraska. We do hope that Pierce will let the Rankin cup pass by us. There are several half-breed Indians whose appointment would meet with far more approbation from the people. Pattison is a young man of fine ability and prepossessing appearance, and would make an excellent officer. He was almost unanimously endorsed by the members of the last legislature, and also by the governor and secretary; the latter endorsement is rather against him. However, it was not love that made Granny and Tommy [Izard and Cuming] sign the letters."

LEVI GOODSELL TODD[2]
PIONEER OF CASS COUNTY

The *News* of the same date gives Governor Izard's message the following greeting under the title "De Guberner 'Proaches":

"This document is characterized by that superabundance of sagacity, superfluity of patriotism and superlative degree of candor which has ever distinguished from the vulgar herd the chivalric and classic sons of Arkan-

[1] Omaha *Nebraskian*, July 9, 1856.

[2] Levi G. Todd, pioneer of Cass county, was born March 22, 1829, in Chautauqua county, New York, son of Bela and Lucy (Hemenway) Todd of Connecticut. His education was limited to the common schools of his native county which he attended during the winter months, until he was about eighteen years old. He worked upon his father's farm in summer, upon which he lived until grown to manhood. Mr. Todd crossed the Missouri river, going into Nebraska in the fall of 1853, and resided for a short time with Samuel Martin, an Indian trader. He taught school in Mills county, Iowa, during the winters of 1853 and 1854. During this time there were no settlements in Nebraska except those made by Indian traders and others who came in by permission of the government. Mr. Todd was back and forth during the fall and winter, settling in Nebraska permanently in the spring of 1854, immediately after the treaty was made with the Indians and the lands opened for settlement. He entered and improved a claim of about two hundred acres in Cass county, near the site of the present fair grounds at Plattsmouth. In the winter of 1857 he disposed of this land to James R. Porter and the following spring preempted one hundred and sixty acres in Liberty precinct near the present town of Union, upon which he has since continued to reside. He owns about twelve hundred acres of land in Cass county and for years has been a prominent farmer and stock raiser of that vicinity. Mr. Todd took an active part in politics in the pioneer days of Nebraska and held many positions of trust. He was the first justice of the peace elected in Cass county, performing the second marriage ceremony; and he served as county commissioner in 1860. He

sas. Through its sentences one can hear the tread of a mighty intellect as it strides majestically through the labyrinthine ramifications of politics, and marches along the corridors of thought; and as he hears his soul's tongue whisper in awe, 'De Guberner 'Proaches.' "

In the same plethoric issue is a satire on political conditions, quite likely by Morton, but well disguised, in the form of a message by Governor "M. W. Lizard." It laments that most and the best of the large immigration has gone into the South Platte "to swell the numbers of the factious malcontents in that section." "I intend to know no north, no south in this territory, and to use all means in my power to allay sectional jealousy. I am for the whole of Nebraska, but you know, fellow citizens, that I consider North Platte the whole of Nebraska, and Omaha the whole of North Platte; thus qualified I can truly say that I am for the whole of Nebraska." The governor says that he is afraid of expending much money in the capital (though he must make some show), fearing the legality of the location should be questioned and the ingenious management of Acting Governor Cuming brought to light. He does not fear President Pierce, as he is probably aware of the necessity of keeping the disorganizers down south in the shade by any means that can be used. . . . "We can not hope for another president with whom the end will justify any means to benefit Omaha and speak in favor of the Nebraska bill." The governor admits that his laborers on the capitol were non-residents, but they voted for Chapman for delegate. He fears that he didn't manage well last winter with those dreadful Indian stories, got up so that Omaha and Council Bluffs could handle the spare gold of the troops to be sent on; worked badly, for it scared immigrants away from the North Platte; and the soldiers didn't find any Indians—as was expected. The message urges the legislature to send appeals and memorials to Congress for donations so that the money may be spent for the benefit of Omaha, and the governor wants his salary increased though the fifteen hundred dollar contingent fund is already spent on his two sons.

We do not wonder that on his return, after an absence of two months, Morton is constrained—in the *News* of May 3—to make the following confession:

"We are now about to recommence our abusive proceedings in the old mild and placid style. We call our position a responsible one, one which renders us sole proprietor of more threatened lickings than we can enumerate, establishes us as sole target for the remarks of the mellifluent revolver, and secures us daily gratuitous invitations to proceed to a place of perpetual caloric."

The next item is headed "Calamity":

"During our absence, as might have been expected, the country has met with a serious calamity—in the melancholy attempt of Franklin Pierce to appoint a marshal of Nebraska. Had Rankin been deputed to carry carrion to a bear we should have pitied the bear for having fallen into very bad society and commiserated him upon the fact that the carrion would never all reach him."

Another item reads as follows: "We are convinced at the present writing that Nebraska City must be the western terminus of the Burlington railroad." Though this prevision did not come true literally, yet, from the writer's point of view, it was consistently prophetic. He foresaw that the Union Pacific would begin at or near Omaha, and in the then condition of traffic and railroad building it was rational to believe that this southern trunk line would connect itself with the main commercial point in the territory of the Missouri river south of the territory to be occupied by the Union Pacific road. Light is thrown on economic conditions at the beginning of 1856 by a statement in the *News* of February 9 that claims of one hundred and sixty acres within two and a half miles from Nebraska City were selling at from five hundred to eight hundred dollars.

was a member of the territorial legislature in 1863, and in 1878 was a candidate for governor on the Greenback ticket, polling 9,475 votes. His present political affiliations are with the fusionists. He was married Feb. 20, 1855, to Lydia B. Jones, West Point, Ia. Seven children were born to them, five of whom are living: Louis C., Nemaha; Harry G., Murray; John; Levi G., Jr.; and Jessie, Pasadena, California.

# CHAPTER IX

THE THIRD LEGISLATURE—THE THIRD CONGRESSIONAL CAMPAIGN—RESIGNATION OF GOVERNOR IZARD—THE FOURTH LEGISLATURE—FLORENCE SECESSION—DEATH OF GOVERNOR CUMING

THE 3d territorial assembly convened January 5, 1857.[1]

Among the members of the council Samuel E. Rogers of Douglas is serving his third term; A. A. Bradford of Otoe and S. M. Kirkpatrick of Cass were members of the second council; William Clancy[2] and John A. Singleton were members of the first house; and Charles McDonald and A. F. Salisbury had served in the second house. Of the members of the house W. A. Finney of Nemaha had served in the second house and A. J. Hanscom[3] of Douglas had been speaker of the first house. R. W. Furnas, a familiar name in Nebraska, is on the list of councilmen.

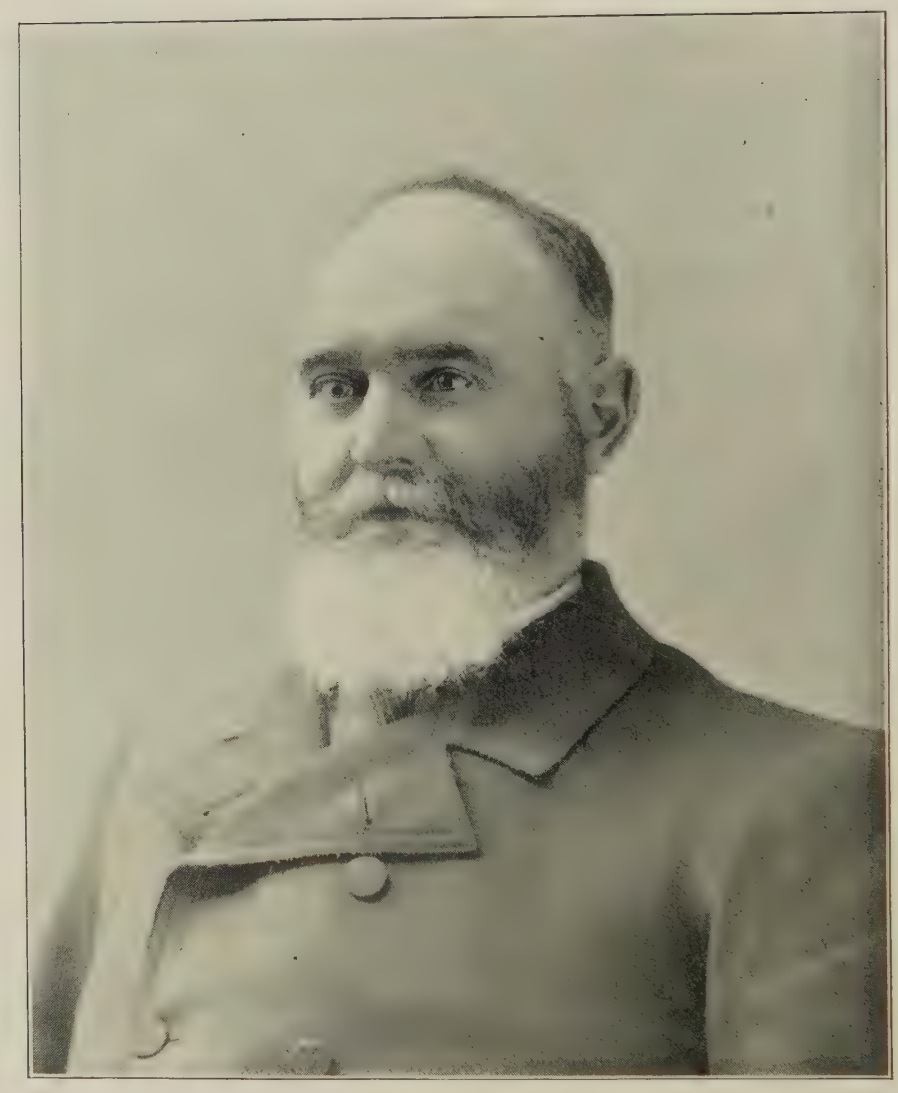
L. L. Bowen, of the southern or Bellevue district of Douglas county, was chosen president of the council, and I. L. Gibbs of Otoe county was chosen speaker of the house without opposition. The South Platte was in the saddle, which meant that Douglas county was to be loser in the struggle against her dismemberment to form Sarpy county, and that Omaha was to lose the capital by a clear majority vote of the representatives, and would hold it only by the purely arbitrary

[1]The several councilmanic districts were represented as follows: *Burt, Cuming,* the southern district of *Douglas,* and *Washington* county, James S. Allan; *Cass* county, Samuel M. Kirkpatrick; *Cass, Dodge,* and *Otoe* counties, Jacob Safford; *Dakota* county, Alfred W. Puett; *Douglas* county, northern district, Dr. George L. Miller, Samuel E. Rogers, Alonzo F. Salisbury; *Douglas* county, southern district, Leavitt L. Bowen; *Nemaha* county, Robert W. Furnas; *Otoe* county, Allen A. Bradford, Mills S. Reeves; *Pawnee* and *Richardson* counties, Charles McDonald; *Washington* county, William Clancy.

The following were the members of the house from the several representative districts: *Burt* and *Cuming* counties, George M. Chilcott; *Cass* county, Braud Cole, William M. Slaughter, Henry C. Wolph; *Cass, Clay,* and *Lancaster* counties, James A. Cardwell; *Dodge* and *Platte* counties, Silas E. Seely; *Dakota* county, Samuel F. Watts, Edward C. Jones; *Douglas* county, northern district, George Armstrong, Andrew J. Hanscom, Harrison Johnson, Richard Kimball, William E. Moore, Michael Murphy, Jonas G. Seely, John A. Steinberger; *Douglas* county, southern district, Joseph Dyson, John Finney, Charles T. Holloway, Silas A. Strickland; *Nemaha* county, Samuel A. Chambers, William A. Finley, Isaac C. Lawrence; *Otoe* county, Henry Clay Cowles, Hiram P. Downs, Joseph C. Ellis, Isaac L. Gibbs, William B. Hail, James D. White; *Pawnee* and *Richardson* counties, John A. Singleton; *Richardson* county, Dr. A. F. Cromwell, Neal J. Sharp; *Washington* county, William Conner, James S. Stewart, Elisha P. Stout.

[2]William Clancy, member of the lower house of the 1st and 2d territorial assemblies of Nebraska, from Douglas county, was a native of Michigan and was born about 1830. He was among the earliest settlers of Omaha, and was an active promoter of its interests. In the spring of 1854 he was proprietor of the "Big Six," a general provision and grocery store, located on the north side of Chicago street between 13th and 14th streets. This house, which was the third on the town site, was erected early in July, 1854. It was constructed of cottonwood boards banked on the outside with sod. Advertisements of the "Big Six," in the Omaha *Arrow* of 1854 call especial attention to the "pure sulphur water" that might always be obtained there, as well as a variety of other liquids. Mr. Clancy's establishment was a rendezvous for the discussion of political affairs; mail was also obtainable at that place from Alfred D. Jones, postmaster, on Tuesday, Thursday, and Sunday evenings, after the arrival of the stage. Clancy had many business interests in De Soto, Washington county, but resided for the most part in Omaha. He must have claimed De Soto as his home in 1857–58, however, for he was elected to represent Washington county in the council during the third and fourth sessions of the assembly. In 1858 he went to "Cherry Creek," near the present site of Denver, Colorado, where he was one of the first men to build a frame house. He was one of the town site proprietors and one of the streets (now Tremont) was named after him. In 1863 he went to Montana, after which there can be found no further record of his career. He was of Irish descent, and, like others of his race, showed a remarkable aptitude for politics, being the only member of the first house of representatives who was afterward elected to the council. He is also said to have been a great wit.

[3]Andrew J. Hanscom, speaker of the house in the 1st territorial assembly of Nebraska and a pioneer of Omaha, is a native of Detroit, Michigan, where he was born February 3, 1828. In 1830 his parents removed to Macomb county, Michigan, and their son Andrew grew up to the age of fourteen years on a farm, when he left home to become a clerk in a general merchandise store. He followed this work



Geo. L. Bucker

Nancy J. Tucker

veto of the executive. Morton's lampooning of Governor Izard's message had been without practical effect, for this year's fulmination excelled the other in grandiose verbosity. The message contrasts the disturbed condition of Kansas, "torn by internal dissension, her virgin soil overrun and desecrated by armed and hostile factions, her people murdered and pillaged by roving bands of lawless marauders, betrayed by mercenary demagogues and unprincipled politicians," etc., with the peaceable aspect of Nebraska, where "the people led by the councils of wisdom and moderation have succeeded in frowning down all foreign interference and in resisting the earliest encroachments of domestic difficulty, and have added, in their example, another bright testimonial of man's capacity for self-government to the many which already adorn the annals of the republic." These rhetorical bouquets, with which the governor was showering his administration, were in fact as artificial as they seem. Kansas was, by virtue of her contiguity to a slave state, the natural and the chosen battle-ground of the pro-slavery and the anti-slavery colonizers. There was bleeding enough going on in Kansas to satisfy all the requirements of both factions of the squatter sovereignty dogma, and so Nebraska was left in a condition of necessary peace. There was here no serious political question to fight over, and no force of any consequence to fight. In fact, no political question ever arose on the Nebraska horizon more heroic than the economic sectional question of the location of the capital, primarily raised and kept alive by the inconvenient barrier of the Platte river.

In his chronically optimistic survey of economic conditions, which there was little to justify, the governor notes that there are more than fifteen thousand people in the territory. He finds it necessary to urge again the need of a better system of laws in place of the crude and unsatisfactory productions of the first two legislatures. He asks the legislature to urge Congress to place at once the school lands reserved by the organic act at the dis-

for four years, attending school in the winters, and then entered the office of D. C. Walker, Romeo, Michigan, and began the study of law. He next entered the law office of Hunt & McCabe in Pontiac, Michigan, to continue his study. When the Mexican war began he became first lieutenant of company C, 1st Michigan infantry. Thomas B. Cuming, afterwards first secretary of Nebraska territory, was also a member of this company. On his return from the war he resumed his law studies in the office of Levi Bishop, and was admitted to practice at the spring term of the circuit court of Wayne county in 1849. In the fall of the same year he reached Council Bluffs on his way to the new gold fields of California, but he resolved to stay in that town, where he built a mill, established himself in the mercantile business, and also practiced law. In 1854 Mr. Hanscom moved across the river to Omaha City, and in the fall of that year he was elected a member of the house of the territorial assembly, of which he was speaker. He was also a member of the lower house of the 3d and 6th assemblies of 1857 and 1859. He took a leading and very active part in opposition to the removal of the capital from Omaha. In 1854 and 1855 he was a member of what was known as the Omaha Claim Club, organized for the protection of the property rights of the early settlers in the absence or inadequacy of laws, and was for a time president of the club. The land office was first opened in Omaha in 1857, and until that time claimants of land could not secure title. The second transfer of real estate recorded in Douglas county was from Enos Lowe to Mr. Hanscom, in the year 1855, conveying six lots. The fourth transfer recorded was one in which the Omaha town site company conveyed to Mr. Hanscom two lots on the northwest corner of 14th and Douglas, and two on the southwest corner of 14th and Farnam streets, in consideration of his building a house in the town. This house was on the two lots last named. It was used as the first printing office in Omaha, and was located on the present site of the Paxton hotel. In 1867 this property was sold by Mr. Hanscom for $15,000. From that early date down to the present time Mr. Hanscom has always been a holder of Omaha real estate, and for more than twenty years devoted himself exclusively to dealing in real estate, bonds, mortgages, and other securities. In 1872 he and James G. McGeath gave to the city the magnificent tract, comprising fifty-seven and one-half acres, now known as Hanscom park. In 1859 Mr. Hanscom was a member of the city council. He was also a member of the school board when the first school house in Omaha was built, which was located on the present Jefferson Square. In November, 1863, he was one of a number of citizens who appeared before the city council and successfully urged the granting of certain privileges on the river front to the Union Pacific railroad company. He was one of the incorporators of Omaha's first street railway line in 1867, and in 1873 he acquired a majority of the stock and operated the line for six months, when he sold it. Mr. Hanscom is a member of the Episcopal church, and when Trinity church, which subsequently became Trinity cathedral, was organized in 1856, he was chosen a vestryman. On the 23d of December, 1854, Acting Governor Cuming recommended the organization of two regiments of militia, and February 7, 1855, Mr. Hanscom was appointed colonel of the 1st regiment to succeed William C. James, the first colonel of that regiment. He was one of seven attorneys admitted to practice in the supreme court of the territory at the second term of that court, in June, 1855. When Mr. Hanscom came to Omaha in 1854 he brought with him a wife

posal of the legislature, an appeal which the Congress was for many years wisely to disregard. He again urges that Congress should be memorialized to grant lands to the "literary institutions" chartered by the 1st assembly, namely: Simpson University,[1] Nebraska City Collegiate and Preparatory Institute,[2] and Nebraska University. "The Simpson University," he says, "has been permanently located, and donations to a considerable amount have been received to aid in its erection. I am informed that some degree of progress has been made by the corporators of each of the others." Even at this comparatively recent date Nebraska pioneers were looking to the private or semi-private schools for the means of secondary education. They had no thought then that the state university and its coadjutors, the high schools in every county, wholly supported by public tax and administered by public authority, were so soon to supersede those early objects of their deep solicitude and fond hope.

The message goes contrary to the preponderance of public opinion at that time in urging that a part at least of the public land should be put on the market without delay. In the *Advertiser* of December 6, 1856, Mr. Furnas contends that the settlers are not ready to buy their lands yet, and that the sales should be put off for two years, at least; and again in the issue of January 29, 1857, he urges that they should be put off ten years, though in the meantime those settlers who have the money should be allowed to make their entries. "But if the president listens to the pleadings of land sharks, and hastens the sales we believe it will be productive of untold injury to the pioneer settler and to the future growth of Nebraska territory." The message gives the information that the Omaha and Otoe Indians had been removed to their respective reservations during the past year. The Omahas still remain on their reservation, but the Otoes were recently removed and their reservation sold and it now forms part of Gage county.

The message was a pæan to prosperity. "No citizen of Nebraska," it avers, "can look around him and contemplate the unexampled degree of prosperity which has crowned the efforts of our infancy without feelings of the

and three children—two daughters, Georgia and Virginia, the former married to George E. Pritchett, Omaha, and one son, James Duane, residing in San Jose, California. While his memory is perpetuated by the handsome park that bears his name, the memory of his children will also survive, because their names have been given to three of the streets of the city. Mrs. Hanscom's maiden name was Catherine A. Young, and she was married to Mr. Hanscom at Detroit, Michigan, in 1848. She was a member of the Episcopal church, and up to the time of her last illness was an active worker in Trinity cathedral. At the present time (1904) Mr. Hanscom lives in New York city, and has retired from the active affairs of life. Dr. Miller, referring to the capital contest, says: "Speaker Hanscom was a great power in that struggle, upon which the existence of Omaha actually depended. Poppleton on the floor was more than a match for all comers; this was certainly so in debate and parliamentary fence and skill. He was eloquent of speech and masterful in both attack and defense. But as a presiding officer in a legislature Hanscom was simply a genius. He could murder Jefferson's manual and then mutilate the corpse when any exigency demanded it with an audacity that appalled the opposition. Speaker Hanscom would rule in support of Poppleton on occasion with a banging of gavels that must have startled the gophers of the surrounding prairies from their subterranean abodes. But the speaker was always insistent upon parliamentary order."

[1] The incorporators named in the act incorporating Simpson University were: William H. Goode, Isaac F. Collins, William B. Gage, Hiram Birch, John W. Taylor, Moses F. Shinn, George Jennings, Benjamin R. Folsom, Thomas H. Benton, Jr., William N. Byers, Nelson Amsbury, W. S. Daily, William Larimer, Jr., Jesse Lowe, and J. E. Rogers. From the following announcement in the Omaha *Times* (July 29, 1858), it would seem that the trustees of Simpson University made or contemplated an actual beginning of that institution:

"The Trustees of Simpson University, Omaha city, propose opening a school of a high grade, provided they receive sufficient patronage to justify it. The first session is to commence on the first Tuesday in November next, and continue till the last Wednesday in April, 1859. . . . The rooms to be occupied are conveniently situated on Farnham street, and will be comfortably fitted and furnished for the purpose . . . at reasonable rates. The course of studies pursued will be such as look to the conferring of degrees in the University proper. For the first session of six months the following are the

TERMS:

| | |
|---|---|
| Common English per Term | $11 00 |
| Half College per Term | 14 00 |
| Full College per Term | 16 00 |
| Incidental expenses per scholar | 1 50 |

Music, Drawing, &c.—Extra.

"Persons abroad wishing further information, can address Col. John Ritchie, Omaha, N. T.

"Samuel E. Rogers,
"John Ritchie,
"William M. Smith, } *Executive Com.*"

[2] The following were the incorporators of the Nebraska City Collegiate and Preparatory Institute: Isaac Lewis Gibbs, William F. Lockwood, and Edward F. Munson.

profoundest gratitude and satisfaction." The governor—in an oblique sense—emulated the part of the elysium in Richter's comforting conceit, "Heaven lies about us in our infancy."

Under this dazzling halo the matter-of-fact territorial treasurer, W. W. Wyman, in his annual report, dated December 18, 1856, sets up a dark and dismal financial figure. He had been able to negotiate the bonds to the amount of four thousand dollars, whose issue the last legislature had authorized, only by agreeing to pay interest semi-annually at the rate of 15 per cent per annum. Of the demands the proceeds of these bonds were calculated to meet, $350.45 remained unpaid with only $92 of the $4,000 on hand. The treasurer had bound himself personally to pay the first installment of interest—$300—on the coming 1st of January, so that the necessity of advancing $208 of his own money was impending. Only three counties of the territory—Cass, Dodge, and Nemaha—"had paid into the treasury any portion" of the territorial levy of two mills on the dollar for the year 1856, "the two wealthiest and most thickly populated counties (Douglas and Otoe) having made no payment at all during the present year." Dodge county had loyally paid her quota of the territorial tax—$20.20—but this loyalty does not appear so conspicuous when Mr. Wyman shows, as an illustration of his official woes, that after the county treasurer had also faithfully deducted his legal commission—$1—and his mileage for transferring his county's largess to the capital—$13.50—the net balance for the territorial treasury was $5.70. We do not wonder that the treasurer lugubriously remarks that this was the only instance in which mileage was charged by a county treasurer, and suggests that in future such small sums be sent by mail.

The report of the auditor, Chas. B. Smith, is of course in no better spirits. It shows the indebtedness of the territory to be $10,457.51, and of this $8,062.01 is represented by warrants from the beginning, July 1, 1855, to January 2, 1857. That the territorial government had failed thus far to provide for the meager public expense in excess of that paid from the federal treasury was evidently due in part to its own inefficiency, but in the main to the unsettled, uncertain social conditions which, it has been heretofore pointed out, were unusual or exaggerated as compared with any former beginning and early growth of our commonwealths.

The work of the third session of the legislature was to be no better, but probably worse than that of its predecessors. The session centered on four principal objects—the removal of the capital, the division of Douglas county, the hatching of a new brood of wildcat banks, and the rascally repeal of the criminal code. The first two were purely and spitefully sectional; after the expenditure of the first fifty thousand dollars appropriation in building the state house at Omaha there was no level-headed reason for removing the capital until the need should arise of placing it at some more convenient point in the interior. No excuse arose on that score before the removal was accomplished—if it did then. The division of Douglas county was based on a neighborhood feud, Bellevue—plus the sympathetic South Platte—against Omaha. And yet contemporaneous authority informs us that "this and the capital question are the great features of the present session." The division bill passed the council by a vote of 7 to 6, Furnas and McDonald being the only South Platte members who voted on the Omaha side;[1] it passed the house by a vote of 19 to 17, only two members from the South Platte, Finney of Nemaha and Sharp[2] of Pawnee, voting no.[3]

[1] Council Journal, 3d Ter. Sess., p. 73.

[2] Neal Johnson Sharp, son of Joseph L. Sharp, was born in Illinois in 1835. He became the first county clerk of Richardson county in 1854–55 and in 1856 was register and ex-officio clerk of the county. In May, 1855, he married, at St. Stephen, Richardson county, a daughter of William Trammel, who was county judge in 1857. This was the first marriage in the county. N. J. Sharp represented Richardson and Pawnee counties in the lower house of the 3d territorial assembly, and afterward became a resident of Plattsmouth, Cass county, where he enlisted, June 11, 1861, in company A, 1st regiment of Nebraska veteran volunteer infantry. He was elected second lieutenant, and, January 1, 1862, was promoted to first lieutenant, and resigned May 30, 1862. He now resides at Hailey, Idaho, where he holds a position in the government land office.

[3] House Journal, 3d Ter. Sess., p. 141.

In the original bill—introduced by Councilman Allen—the name of the proposed county was Omaha, but Sarpy was substituted in committee of the whole. In the bill introduced into the 1st legislature for the organization of Douglas county it was named Omaha, but on motion of Dr. M. H. Clark, and after sharp opposition by leading members of Douglas county, the change was made. Secondarily to the local and natural name—Omaha—both Douglas and Sarpy were appropriate. The mistake was recognized and corrected by allowing the metropolitan city of the territory and state to retain the Indian name. Restitution of the natural claim or right of the name of Douglas to have been perpetuated in that of the capital of the state was only partially made in its retention as the name of the county of which Omaha is the seat of government.

In the struggle against the bill for the removal of the capital to Douglas, Lancaster county, which passed the council 9 to 4, the three members from Omaha could muster but a single ally—Puett of Dakota county.[1] On the dilatory motions, after the interposition of the governor's veto, Furnas coquetted with Omaha, the votes being 8 to 5.[2] The bill passed the house, 23 to 12, Finney of Nemaha being the only South Platte member to stand for Omaha.[3] Omaha had saved the one vote needed in the house for a two-thirds majority, with a symptom of being able to get it in the council also, just as she had found the necessary vote to win the capital in the first instance. And so, on the 5th of February, Kirkpatrick of Cass, evidently recognizing this fact, moved in the council the indefinite postponement of the bill, which was carried without division.[4] The Nebraska City *News* and other newspapers bitterly charged Finney and Furnas with recreancy and corruption. Mr. Furnas defended himself and his colleague with great vehemence. He said that he had always favored removal of the capital, but "upon an honest and fair plan," and averred that the large mass meeting held at Brownville on the 23d of January, in the interests of removal instructed the members from that county to act in the matter as they deemed best for the interests of Nemaha county and the territory.[5] At the preceding session, just a year before, Mr. Finney, as chairman of a select committee, made a report—in which he was joined by J. Sterling Morton and J. H. Decker[6]—unequivocally favoring removal of the capital to the same locality to which the bill he voted against in 1857 proposed to remove it. While both of the proposed capitals had a name it is doubtful that the local habitation of either was discoverable; but both either were or were to be at about the same point on Salt creek. Owing to the spreading of population westward there was of course more reason for the change in 1857 than in 1856. But this departure of the Nemaha members of 1857 from South Platte traditions, as already indicated, was not confined to the capital question, but seems to have been in accordance with a general alliance, offensive and defensive, with the North Platte.

There is a sentimental significance in the result of this defection of the Nemaha delegation more striking and more touching than its practical significance. Through the inexorable and inevitable course of events Lincoln succeeded his great rival, Douglas, in national political leadership. But if there had been untrammeled expression of the wish of the

[1] Council Journal, 3d Ter. Sess., p. 34.

[2] Ibid., pp. 48, 74.

[3] House Journal, 3d Ter. Sess., p. 63.

[4] Council Journal, 3d Ter. Sess., p. 99.

[5] The Nebraska *Advertiser*, February 26, 1857.

[6] James H. Decker, member of the 1st, 2d, and 4th territorial assemblies of Nebraska, was born in Kentucky about 1827. He was among the first settlers of Nebraska City, and in 1855 represented Pierce (now Otoe) county in the lower house of the 1st territorial assembly and was reelected to the 2d assembly. He was a member and speaker of the lower house of the 4th assembly. During the session the famous adjournment of the majority of the legislature from Omaha to Florence occurred, and Mr. Decker was the leader of the removal faction. He was a brickmason by trade, and the first brick used in Nebraska City, in building the house of Stephen F. Nuckolls, was furnished from the brickyard of James H. Decker and Keil Cook in 1854. Mr. Decker built for himself the fourth brick house in Nebraska City at the corner of 14th and Main streets, with brick from his own yard. Mr. Decker was treasurer of Nebraska City in 1856.

majority through its representatives in the legislature of 1857, the name of the great democratic and Union leader would have been rightfully and most appropriately perpetuated in that of the capital of the commonwealth of which he was the founder, and whose political birth was the precursor if not the cause of his own political death.

In editorial correspondence with the Nebraska *Advertiser,* January 16, 1857, R. W. Furnas, member of the council and public printer, complains of attempts of the Omaha members of the house to interfere with expression of opinion in that body in favor of the removal of the capital; and he predicts that the governor will veto the removal bill, as "he could do nothing else under the circumstances." The governor's veto was sent to the council January 19, and, whatever the mysterious "circumstances" which Mr. Furnas hints were to influence his act in derogation of the will and wish of a clear popular majority, he justifies it with cogent if not unanswerable reasoning. We are led, by the absence from the veto message of much of that tedious verbosity and buncombe which abound in his regular messages, to suspect that the greater delicacy and importance of this task may have brought to its execution a clearer head and more skilful hands than Governor Izard's. The message is a plausible defense of an act bearing on its face suspicion of sectional and perhaps other improper bias, and is a realistic picture of the conditions and methods of that day.[1]

Governor Izard was charged with mendacity and deception in that he had stated on the last night of the session of the legis-

[1] "*To the Council.*

"*Gentlemen:*

"The bill entitled, 'An act re-locating and establishing the seat of government proposing to remove it from its present location to the town of Douglas, in Lancaster county, has been presented to me for my approval, and I have given to it that calm and deliberate consideration which its importance would seem to demand.

"From the time I entered upon the discharge of the responsible duties devolving upon the executive of this Territory it has been my determined purpose and sincere desire to cooperate with the legislative assembly, as a coordinate branch of the territorial government in all matters calculated to promote the welfare and prosperity of the whole territory. And it is with regret that now, for the first time, I feel myself compelled to differ from it and to interpose the power confided to me by the organic law, the exercise of which, entrusted as it is to the sound discretion of the executive, should be the result of mature and candid deliberation and supported by good and sufficient reasons. If I entertained doubts as to the expediency of the proposed removal of the seat of government, I would most cheerfully yield them to the implied wishes of the people as expressed through their representatives; but with me it is not a question of doubt, neither can I believe that the people desire this change. As far as I have been able to learn, the removal of the seat of government was not made an issue before the people in any county in the territory at the time [the] present legislative assembly was elected; and I am therefore constrained [to believe] that this movement has been gotten up and pressed hurriedly and inconsiderately through both branches of that body by a dominant majority not only in the absence of any positive instructions from the people, but contrary to their wishes, and most certainly to the injury of their best interests.

"It is, I believe, universally conceded by all who are familiar with the geography of the territory that our principal settlements for many year[s] to come will be confined to a tract of country not extending more than thirty miles from the Missouri river.

"The present seat of government as located and established by law occupies a central position in what, for some time, must constitute the body of our population, being about equi-distant from our extreme northern and southern settlement[s]. It is immediately opposite the great gateway into the territory and is more accessible not only to those within the territory but to the various portions of the country east of us, than any point which could be selected. The facilities for reaching it and [passing] through the territory are large and annually increasing and we may reasonably expect in a few years that it will in point of time be within four days of the great commercial marts of the east. —These certainly are advantages which in the location of the seat of government, should not be overlooked. In addition to these a costly and substantial building sufficient to meet and accommodate the growing demands of the territory for many years, is now in course of erection at the present location and will be completed during the present year if not retarded by ill-advised and hasty legislation without the cost of a single dollar to the people of the territory.

"In consideration of these facts, I am unable to discover any sufficient reasons why a change should be made or even desired, more especially to a point, which if it has an existence at all, except upon paper, is entirely removed from the center of population and equally remote from the geographical center of the territory. It is not pretended that a single house or even a sod shanty has been erected on the site of the proposed capital or in the vicinity. It appears to be a floating town, not only without a location, but without inhabitants. Its existence, if it has any, seems to be confined at present to the brain of some desperate fortune hunter and its identity reposes in an indefinable number of certificates of stock for $500 each, neatly gotten up and handsomely executed with all the requisites of president, secretary, etc.: where the precise location of this town is intended to be I am unable to determine. By some it is said to be somewhere on Salt Creek and by others a point farther removed from the settlements and in the vicinity of the southern

lature that he had either signed or vetoed every bill, while, on the contrary, he had pocketed the following memorial without comment or communication with regard to it:[1]

*"To the Senate and House of Representatives of the United States in Congress assembled:*

"Your memorialists, the legislative assembly of the territory of Nebraska, would respectfully represent: That owing to the unsettled condition of the question of the permanent location of the seat of government of this territory, it would be unwise and inexpedient to make any further appropriation for the construction of the capitol building at Omaha City. We would further represent that the location of the seat of government at Omaha City was effected by fraud and corruption and contrary to the wishes of a majority of the people, and that the executive of this territory was respectfully and urgently petitioned not to expend the appropriation of fifty thousand dollars, granted to this territory by Congress for the erection of a capitol building, until this question was definitely settled.

"Our petitions were disregarded and the whole of the appropriation was speedily expended in the construction of a magnificent cellar, surmounted by portions of brick walls and surrounded by numerous isolated, unfinished, dreary looking columns; the whole

---

boundary of the territory. All agree, however, that there are two towns in Lancaster county, by the name of Douglas, already made upon paper. To which of these it is the intention of the legislature to remove the seat of government I am left wholly to conjecture. It might so happen and from my knowledge of the speculative genius of a certain class of our citizens, I think it highly probable that should the bill under consideration become a law, each of these rival towns would set up a claim to the capital, which it might require long and tedious litigation to settle; leaving the people of the territory in the meantime without a seat of government.

"This much I have felt it my duty to say as to the policy of the contemplated removal, and while I am deeply sensible of the fact that the executive veto has been rarely if ever interposed where a measure has passed both branches of the legislature by a majority so decided as that received by the present bill; the foregoing facts alone would justify me in a conscientious discharge of my duty in withholding my sanction from a measure so suicidal to every substantial interest of the territory, although it had received the vote of every member of the legislative assembly.

"But there are other and still more weighty reasons which influence me in refusing to sanction this bill.

"The 13th section of the organic act, conferring the power upon the governor and legislative assembly to locate the seat of government, provides, that the legislative assembly shall hold its first session at such time and place as the governor shall appoint and direct, and at said first session or as soon thereafter as they shall deem expedient the governor and legislative assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by said governor and legislative assembly. And the act of congress making appropriation to be applied under the direction of the governor to the erection of suitable public buildings for the territory, provides that no part of said appropriation shall be expended until the legislature of said territory shall have fixed the seat of government permanently by law.

"Taking the provision in the organic act alone, I arrive at the conclusion that the evident intent and meaning of congress was that the seat of government after having been once located might be removed not by the governor alone nor by the legislative assembly alone but by the joint action and assent of both. If this view of the law be correct the legislative assembly has no power, even by a unanimous vote, to remove the seat of government without the concurrence of the governor, who evidently stands in the relation of one of two parties, clothed with equal powers, whose joint action is necessary for the performance of a given act. But considering the clause in the organic law in connection with the provision already alluded to in the act of congress making the appropriation for the erection of public building[s], I am forced to conclude that the removal of the seat of government contemplated and provided for in the former was intended to be made, if made at all, prior to the expenditure of any portion of the money appropriated for the erection of public buildings and not subsequent thereto. The act itself making the appropriation, evidently regarded the seat of government as permanently located by law during the territorial existence of the territory, and in no other contingency are we at liberty to suppose that the expenditure of any portion of the appropriation would have been authorized.

"My conviction then is, from this plain and natural construction of the law, that the removal of the seat of government was intended to take place, if at all in the interim, between its first location by the governor and legislative assembly and the time when any portion of the money appropriated for the erection of public buildings should be expended, and that such removal could only be effected by the joint and concurrent action of the governor and legislative assembly.

"Thoroughly convinced in my own mind of the correctness of the position I have assumed, I should feel it a solemn duty I owe to the government to resist by all constitutional means the removal of the public archives unless otherwise especially instructed by the president of the United States; therefore, solemnly appealing to the unbiased judgment of all good men, both within and without the territory, for the justification of my course, I respectfully return the bill to the Council, the house in which it originated, for its reconsideration.

"MARK W. IZARD.

"Executive Office, Omaha City,
"N. T., January 19th, 1857."

[1] Nebraska City *News*, February 21, 1857.

being a fit illustration of the 'man who begun to build and was not able to finish.'

"Your memorialists are well assured that if the appropriation had been judiciously expended, it would have been amply sufficient to build a capitol adequate to the wants of the territory for the next twenty years; but we have reason to believe, and do believe, that the appropriation was expended in the manner aforesaid for the purpose of creating an argument in favor of, and a necessity for the seat of government to be continued at this place.

"Passing over the attempts to relocate the seat of government by the last session of the legislature, and the means by which the will of the people was defeated, we come now to the history of recent transactions connected with the subject.

"During the present session of the legislature an act was passed removing the seat of government from Omaha City to Douglas, in Lancaster county, about forty-five miles in the interior. This act was vetoed by the governor; and thus the will of the people was again trampled upon and set at defiance, notwithstanding the fact that the act was passed by the large majority of nine (9) to four (4) in the Council and twenty-three (23) to twelve (12) in the House of Representatives. These facts go to show to a demonstrative certainty that the seat of government will be removed from this place just so soon as we shall be blessed with the administration of a governor who has due respect for the will of the people; and in connection with the fact that it will require at least seventy-five thousand dollars to finish the capitol commenced at Omaha City, in the present style, convinces us that it would be unwise, impolitic, and a needless waste of the public funds to make any further appropriations for the capitol building at this place.

"We therefore respectfully ask your honorable body to make an appropriation of fifty thousand dollars to this territory (which sum we deem amply sufficient) for the purpose of erecting a capitol for the use of the territory whenever the seat of government shall be located in accordance with the will of the people, and your memorialists will ever pray, etc.

"Be it resolved by the Council and House of Representatives of the territory of Nebraska, that the secretary of the territory be requested to forward the foregoing memorial to our delegate in Congress, requesting him to use his influence to procure the passage of an act in conformity with the foregoing memorial during the present session of Congress.

"I. L. GIBBS,
"Speaker of House of Rep.
"L. L. BOWEN,
"President of Council.
"Omaha City, Feb. 13, 1857."

Bills chartering additional banks were passed by this legislature, but were all vetoed by the governor. Two of them—for the Bank of Tekamah, and the Bank of DeSoto—were passed over the veto.

Miller and Bradford of the council,[1] and Seely,[2] Hanscom, and Holloway[3] of the house constituted a select committee to pass on parts three and four of the code which had been reported by the commissioners to the last or 2d assembly, near its commencement,[4] but which, owing to lack of time, or of industry and care, had not been considered. Part three, relating to courts and their jurisdiction, was adopted, while part four, relating to crimes and their punishment, was again passed over without the assignment of any reason therefor. The explanation of this delinquency must be looked for in the closely related repeal of the criminal code and that part of the civil code adopted from Iowa, which measure was introduced in the council by Bradford as early as the 22d of January.[5] The serious consideration, and perhaps even the original passage of this bill in both houses might have been excused or explained on the ground that members expected that these bungled laws would be substituted by better ones during the session. But the following veto message sent by the governor on the last day of the

[1] Council Journal, 3d Ter. Sess., p. 24; House Journal, p. 38.

[2] Jonas G. Seely came to Nebraska in 1856. He was an attorney, and engaged in the practice of law in Omaha. Was elected a member of the house of the 3d territorial assembly, and was a member of the city council of Omaha in 1857. Mr. Seely was a vestryman of Trinity cathedral upon its organization, July, 1856. He was a brother-in-law of Andrew J. Hanscom.

[3] Charles T. Holloway was a member of the house of the 3d territorial assembly, representing Douglas county. He was closely associated with Peter A. Sarpy; was elected to represent Sarpy county in the fourth session; was one of the committee to locate the county seat of Sarpy county in 1857; and was a member of the first board of aldermen of Bellevue.

[4] Report of auditor, Council Journal, 5th Ter. Sess., p. 35.

[5] Council Journal, 3d Ter. Sess., p. 62.

session and the subsequent action of both houses sweep away or preclude excuse or palliation for the shameless act:

"Executive Office, Omaha City,
"February 13, 1857.

"*To the Council:*

"An act entitled 'An act to repeal certain acts of the legislative assembly of Nebraska,' passed at the first session of the said legislative assembly has been presented to me for my approval.

"The bill proposes to repeal all of our criminal laws passed at the first session of the legislative assembly, and all that portion of our civil code adopted from the code of Iowa. This might be well enough if the bill itself proposed a substitute or if there was even a probability that a substitute would be passed at the present session of the legislative assembly; but in the absence of both I must be allowed to doubt the policy of sweeping away a very large majority of the laws now on the statute book, thus leaving us without any means to enforce the simplest civil rights without a resort to the common law. I therefore respectfully return the bill to the Council, the house in which it originated, for its reconsideration."[1]

Moreover, the repealing measure was brief, sweeping, and explicit, so that it must have been difficult for a reader or hearer of intelligence to miss its purport. The council promptly passed the repealing bill over the veto by a vote of 12 to 1, Dr. Miller voting the solitary no,[2] and the house followed with a vote of 24 to 2.[3] Mr. Furnas of the council gives an interesting but scarcely adequate account of this legislative rape. He first quotes the following explanation of the *Nebraskian:*

"Early in the session of our legislative assembly, which has just closed, a bill was introduced in the Council by Mr. Bradford, the title of which, as we remember it, was 'a bill for an act repealing certain acts of the legislative assembly of Nebraska, passed at the first session thereof.' At that time legislation was 'dragging its slow and weary length along,' the capitol question was not then disposed of, and this bill was several days reaching even a second reading. Our impression is that the bill was read by its title only the first, second, and third time, in the Council; we are confident that no member of that body except its originator knew anything of the merits of the bill. It was, however, at length passed in the Council and transmitted to the House, from whence it was returned near the close of the session, and was in due time enrolled and presented to the governor for his signature.

"In the governor's hands the bill was scrutinized, and its character fully determined, which was nothing less than the repeal of all the criminal code of Nebraska and most of the civil code. Governor Izard of course could not sanction such an act as that, and on Friday last the bill was returned to the Council with his objections. Bradford winked and blinked 'like a toad under a harrow' and with an appearance of candor well calculated to deceive, assured the Council that the governor was unnecessarily alarmed about the objects of the bill, that the repeal of our criminal code would only oblige us to have recourse to the common law, which was much better than the criminal code we had adopted. With these assurances from the dignified and truth-telling (?) judge, what did the Council do? Why they passed that bill over the governor's veto by a vote of twelve to one. Dr. Miller was the only man in that Council chamber who seemed to reflect what the consequence of his act might be.

"The bill had the same fate in the House, and passed by a decided majority, and to-day there are no laws in Nebraska except ferry and bank charters. We have good reason to believe that the true import of the bill was no better understood in the House than it was in the Council, hence the ease with which it was smuggled through that body. We hold the originator of such frauds responsible; and though we were at one time disposed to regard Mr. Bradford as an honest, conscientious man, we are now forced to the conclusion that he is the most dangerous and corrupt man there was in that body of reckless knaves. He knew the effect of the bill he was introducing, and we now know the objects he seeks to attain; the principal of which, we are informed, is to enable the murderer Hargus to escape the penalty of his crime. A man who can thus recklessly and wilfully break down every barrier that has been raised for the protection of society, for so criminal an object as that, should never be invested with the power of a legislator; he is almost as much to be feared as the murderer himself.

[1] Council Journal, 3d Ter. Sess., p. 158.
[2] Ibid., 2d Ter. Sess., p. 162.
[3] Harrison Johnson and William E. Moore, House Journal, 2d Ter. Sess., p. 192.

"We have heard Mr. Bradford, the president of the Council, and one or two other distinguished (perhaps notorious would be better) gentlemen chuckling over the passage of this infamous measure over the governor's veto, as the best thing done. We doubt not that the large majority by which it passed both Houses will be cited as a certain indication of the unpopularity of Governor Izard, and the light estimation in which he is held by the people. But if there is one act of his administration which will redound to his credit more than all others, if there is one act which will receive the approval of all virtuous men, it is the vetoing of that bill, which, by repealing all protective enactments, leaves the citizens of Nebraska a prey to lawless violence, without the hope of legal redress."

Then follows the comment of Mr. Furnas:

"The above from the *Nebraskian* we publish in place of an article we intended to write upon the same subject. We think Mr. Robertson, however, rather sweeping in his expression, terming the whole Council a 'body of knaves.' He well knows—as he was one of the clerks, and present when the bill was returned for reconsideration—that its passage was only secured by a betrayal of trust reposed in Judge Bradford as a legal man—'as an honest and conscientious man'—on the part of the balance of the Council. Even Dr. Miller himself stated in his place that he would vote for the bill 'over the governor's veto' if the 'honorable chairman of the judiciary committee' would assure him that it only repealed, as Mr. Bradford said, 'conflicting portions of the criminal code.' This assurance was given, with all apparent candor and honesty, and the bill passed by a vote as stated of 12 to 1, Dr. Miller fortunately voting as he did. Had Mr. Bradford secured the passage of this repealing bill by shrewdness, legal or parliamentary management, there might have been a shadow of allowance for him; but securing its passage as he did by downright falsehood, and abuse of confidence and respect reposed in him, he deserves to be held up to the public contempt of all well wishers of this territory."[1]

Such, unfortunately, are the character and the reputation of legislative bodies of the present time that trying those of a generation ago by any high standard of morality or intelligence would be incongruous. And yet the act in question seems a mixture of inexplicable and unprecedented ignorance and immorality. It is true that the members of the legislature, most of whom were young and without training or experience, would naturally rely upon the representation of the long-time chairman of the committee for the final preparation of the code that the common law would take the place of the statutory criminal code on the repeal of the latter; but even before the governor's explicit warning they must have suspiciously questioned themselves touching the criminal code: "If so soon 'twas to be done for, what was it begun for?" And there were capable lawyers at hand who easily might have exposed Bradford's charlatanry to their doubting minds. Contemporaneous explanation of Bradford's motive for bringing about the repeal of the criminal laws is obviously insufficient, though it may be correct in part. James E. Lacy had "jumped" the west eighty of a quarter-section claimed by Simpson Hargus[2] lying just west of the present county court house at Nebraska City, and in an altercation over the matter Hargus killed Lacy with a shotgun on the 23d of April, 1856. Then, according to contemporaneous explanation and belief, A. A. Bradford conceived and successfully carried out the no less audacious than novel scheme to save his client Hargus, whose trial was pending, by repealing the criminal code.[3] But there is some ground for a suspicion that the principal motive of Bradford and his co-conspirators was to provide immunity for the culprits of wildcat banking schemes, then in the heydey of their reckless career, and perhaps more reason for thinking

[1] The Nebraska *Advertiser*, March 5, 1857.

[2] The killing of James E. Lacey by Simpson Hargus, April 23, 1856, was the first murder case in Nebraska City. The crime was the result of a quarrel over a land claim and seems to have been unprovoked. Hargus was indicted, had two trials, and was found guilty, but could not be punished on account of the repeal of the criminal law. Mr. Hargus was one of the judges at the first election held in Pierce (now Otoe) county, and a delegate to the territorial convention held at Nebraska City December 30, 1854. He was elected one of the trustees of Prairie City in August, 1858. He built a four-story brick hotel in Nebraska City, which he named the Morton House, but which was later changed to the Seymour House, and is now again known as the Morton House.

[3] Personal recollections of H. P. Bennet and others.

Robt. W. Furnas

that Bradford himself was ignorant of the effect of the repeal. The civil procedure prepared by the code commission was promptly passed on the last day of the session after the governor's veto of the repeal had been filed; so that the territory was not left, as the veto message recites, "with no means to enforce the simplest civil rights without a resort to the common law."

Hargus was indicted for manslaughter by the grand jury and tried before Judge Black, who held, in a long and elaborate opinion,[1] that he could be punished under the common law, and he was convicted; but at the December, 1858, term of the supreme court, a motion in arrest of the judgment of the district court was granted, the supreme court holding that "the statute providing for the punishment of the crime of manslaughter, which was in force at the time of the commission of the offense charged, was unconditionally repealed before the trial and judgment in the said district court," and Hargus was discharged.[2]

HENRY CLINTON COWLES[5]

The administrator of Lacy brought suit for damages against Hargus, but the supreme court, in an opinion by Judge Wakeley, held[3] that the repealing act took effect from its passage and repealed "absolutely and unconditionally, by a single section, both the civil and the criminal codes of the territory." The court further held that, although "on the 13th of February, 1857, the date of the repealing act, a new civil code was adopted in place of the one repealed, containing the identical provisions above quoted," yet because this second act did not take effect until the following June it did not reach back to cover the hiatus between the repeal and its passage; and so the civil case, too, failed.

In accordance with a resolution passed by the council by a vote of 8 to 5, Bradford, Allen, and Miller were appointed a committee to investigate the official acts of Mr. Cuming, both as governor and secretary, and to report to the council at its next session.[4] The reactionary or subservient spirit of the first house of representatives, which passed a bill to prevent free negroes from settling in the territory, appeared again when Singleton introduced a bill of like purport at the third session. In the meantime public intelligence, or a healthier moral sentiment had been growing in the territory, for the second bill received little encouragement. On the last day of the session it was indefinitely postponed in

[1] The Nebraska City *News,* January 9, 1858.

[2] Nebraska *Advertiser,* January 13, 1859.

[3] Nebr. Repts., vol. 1, p. 419.

[4] There appears to be no record of any report by this committee at the succeeding session of the council, and it is presumed that the subject was allowed to drop.

[5] Henry Clinton Cowles, member of the house in the 3d territorial assembly of Nebraska, was born in Genesee county, New York, August 22, 1815. He was raised upon a farm, profiting by the ordinary educational advantages of the times. He moved to Allegheny county, Pennsylvania, when a young man and was there married to Catherine Martin. Soon after he moved to Louisville, Kentucky, where he engaged in the cabinet-making business; but the yellow fever becoming epidemic in that city he sold out and went to Trumble county, Ohio, settling upon a farm. After serving an apprenticeship as a millwright he erected a sawmill. From Trumble county he moved to Indiana, from there to Missouri, later to Iowa, and in 1853 moved to Nebraska and settled a short distance from the present site of Nebraska City. As soon as title could be legally acquired he preempted 160 acres of land on Walnut creek in Otoe county. He at once built a water dam on the creek to operate the sawmill which he intended to put up. He erected a grist mill first, however, in order to grind corn for bread, and this was the first grist mill in the territory. Two years later he added a sawmill to the corn cracker. In 1857 he was elected a member of the lower house in the 3d territorial assembly of Nebraska to represent Otoe county. In 1860 he moved to Colorado to settle in the gold regions. After stopping a while at Central City he moved to the present town of Empire in the fall of 1860,

the house without division,[1] and was laid on the table by a vote of 10 to 3 in the council.[2] Only three members of the council—Bradford and Reeves of Otoe county and McDonald of Richardson and Pawnee—were possessed with that quality of economic and moral infirmity which prompted them to stand by the even then moss-grown measure at the final test.

The 3d legislature undertook to strengthen the revenue law, and raised the levy for territorial purposes from two mills to three mills, limited the levy for county purposes to not over six mills, and for schools between one-half of a mill and a mill and a half. Though under the law of 1856 county superintendents of schools were authorized to levy a tax not less than three nor more than five mills for the support of schools, yet, up to this time, the revenue for support of public schools had been confined virtually to taxes raised by the individual districts and to fines for breach of penal laws, and the proceeds of sales of water craft and of lost goods and estrays.[3] The state superintendent complains in his report for the year 1856 that only two counties—Dodge and Douglas—have sent in reports, and in them the county superintendents had levied the maximum tax of five mills. He naïvely adds:

"I believe there are two other counties which have such school officers, viz: County superintendents of common schools, although I am not informed of the fact from a legal source, still there are undoubtedly such officers in the counties of Washington and Cass, unless by recent death or resignation their offices have become vacant.[4]

This session ground out perhaps more than the usual liberal grist of incorporations of cities and towns—Omaha appearing as the City of Omaha instead of Omaha City, in the charter of this year—of colleges and ferries. A select committee, consisting of Geo. L. Miller, S. M. Kirkpatrick, and S. E. Rogers, reported a memorial to Congress—which was adopted by both houses—in the nature of a protest against proposed excessive grants of land to certain private corporations and companies in a bill then pending in Congress to aid in the construction of a Pacific railroad. The memorial, which is evidently in Dr. Miller's vigorous style, barring a degree of extravagance, is yet a true and prophetic forecast of events soon to follow. In later years protest against actual accomplishment of this prophecy became a familiar part of political platforms, national and state.

The 3d legislature authorized the organization of three new counties, namely, Cedar, L'eau-qui-court, and Sarpy, and all three were ready to vote at the ensuing general election—in the fall of 1857. L'eau-qui-court is now comprised within the boundaries of Knox county. The legislature continues to represent the predatory, undomesticated spirit still dominant in the territory. This spirit neglects the duty of developing and perfecting a system of law, under which permanent domestic institutions might grow, but it is enterprising in the creation of unstable banks, in bestowing innumerable special corporate privileges, and in repealing criminal laws,—all that exploitation and spoliation schemes of adventurers may be the more expeditiously and safely accomplished. Mere sectional jousts engage attention in both houses while the welfare of the commonwealth suffers. On the 1st of February Councilman Furnas bitterly complains: "It is a lamentable fact that legislation in which the people of the territory are interested is lost sight of amid the multitude of speculative operations for the benefit of individuals or companies, mostly, too, non-residents of the territory. . . . The session is now within eleven days of the close, and not a bill save the one relocating the capital has passed both houses. The wheels of legislation are blocked up in the

where he resided until his death in 1890. In 1861 he was elected judge of Clear Creek county. Two children survive him, Henry Clay Cowles and Katy Cowles, residents of Empire, Colorado.

[1] House Journal, 3d Ter. Sess., p. 191.

[2] Council Journal, 3d Ter. Sess., p. 160.

[3] Governor's Message, House Journal, 3d Ter. Sess., p. 14.

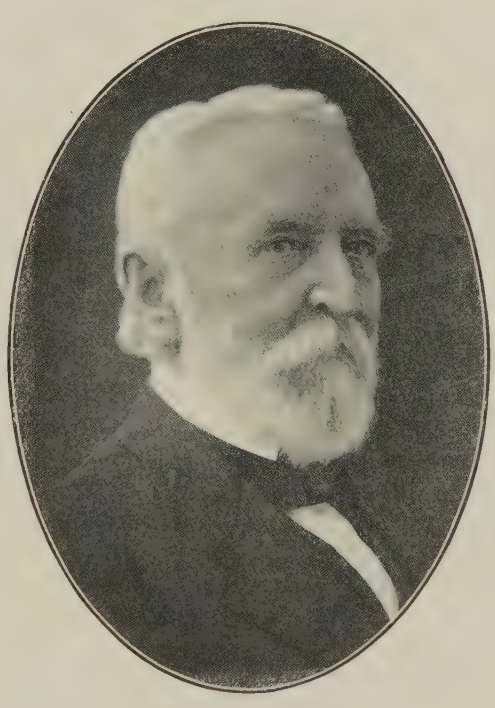
[4] House Journal, 3d Ter. Sess., p. 28.

council on the bank question, and in the house on the question of dividing Douglas county."[1]

After little more than half of his regular term had expired Governor Izard left the territory, apparently not intending to return. Official record is made of this incident: "Governor Mark W. Izard left the territory of Nebraska for Washington, Arkansas, etc., on the steamer Admiral, on the 2d day of June, 1857."[2] William A. Richardson of Illinois had been appointed governor in May, 1857, but declined to accept the office.

The De Soto *Pilot* of July 11 quotes the Bellevue *Gazette* of June 18 as follows: "With hat in hand we announce to the people of the territory that Mark W. Izard is peremptorily removed from the office of governor which he has so long disgraced." The *Pilot* then quotes a statement in the Chicago *Times* of July 25, 1857, that "Col. Richardson having declined the governorship of Nebraska, Governor Izard will return to the territory and resume his duties," and then twits Gen. L. L. Bowen for having spent two months in Washington at his own expense, "pressing on the part of the people the removal of Izard, authorized as he was by eight members of the council of which he is the presiding officer."

On the 16th of July the Nebraska *Advertiser* states that, on account of Richardson's declination, "Governor Izard has been ordered back to resume his duties, and is now at his post in Omaha, where he will undoubtedly remain until the expiration of his term of office." It is probable that Governor Izard went to Washington with the expectation that he would be superseded, and that he came back to assume his official duties when it was found that Richardson was not willing to take his place.



GEORGE W. DOANE[5]

On the 30th of May, Governor Izard issued his proclamation for the general election to be held on the first Monday in August.[3] Five new counties were included in the legislative apportionment of this year: Cedar and L'eau-qui-court were placed in the Dakota representative district, Gage was included with Lancaster and Clay, and Johnson[4] with Nemaha, while Sarpy was awarded four representatives. The apportionment of the thirty-five members was as follows: Burt and Cuming 1, Cass, Clay, Lancaster, and Gage 4, Cedar, Dakota, and L'eau-qui-court 2, Dodge and Platte 1, Douglas 8, Nemaha and Johnson 3, Otoe 6, Richardson and Pawnee 3, Sarpy 4, Washington 3. No changes had been made

[1] The Nebraska *Advertiser,* February 12, 1857.

[2] Records of Nebraska Territory, p. 138.

[3] Ibid., p. 137.

[4] Johnson county was named for General Richard Mentor Johnson, who, it is said, killed the Indian chief Tecumseh, in a hand-to-hand combat, and who became vice-president of the United States in 1837. The county seat of the first Johnson county was named Frances in honor of General Johnson's wife, but was later changed to Tecumseh, for the Indian chieftain and warrior. In the act organizing and defining the boundaries of the original Johnson county, the name is spelled both with and without the t, but the latter is dropped entirely in the act organizing the present county by that name.

[5] George W. Doane has been one of the leading lawyers and jurists of Nebraska for over forty years, and his professional ability and learning are impressed to a very wide extent upon the legislation and jurisprudence of this state. He was born in Circleville, Ohio, December 16, 1824. His father, Guy William Doane, was born at New Milford, Connecticut, in 1788. He graduated from Union college, Schenectady, New York, about the year 1813, and in 1815 attended a course of lectures at the law school in Albany, New York, where he was admitted to the bar. He immediately removed to Circleville, Ohio, and engaged in active practice, from which he was compelled, by the loss of his sight, to retire in 1844. He helped himself in acquiring his education by teaching school. He was

in the representation of the year before except that the four members from the southern district of Douglas now came from Sarpy. Those districts to which the new counties were attached received no increase of members. The interest in the election centered on the choice of delegate to Congress, but the usual sectional edge was wanting in this contest because four candidates appeared in the field—B. B. Chapman and J. M. Thayer of Omaha, Judge Fenner Ferguson and B. P. Rankin of Sarpy county. Though all of the candidates resided north of the Platte, Ferguson represented more particularly the South Platte, and Chapman the North Platte faction. Chapman, Ferguson, and Rankin were certainly democrats, but J. Sterling Morton's quick eye professed seeing the virus of repub-

a whig in politics, and was a member of the Ohio legislature in 1836. He died at Circleville, in 1862, in moderate financial circumstances. Judge Doane's mother was Charlotte Thrall, born at Castleton, Vermont, in 1800. She was educated in the common schools and by a full course at the Emma Willard school at Troy, New York. In 1818 she accompanied her brother to Ohio, where she met, and on February 14, 1821, was married to Guy W. Doane. Ten children were the issue of this marriage, George W. Doane being the third. After the death of her husband Mrs. Doane came to Omaha and for several years lived in her son's family, dying in June, 1878. Judge Doane traces his lineage on his father's side back to John Doane, of Welsh extraction, who came to America soon after the landing of the Mayflower. His paternal grandfather, William Doane, third son of Prince Doane, was born at Saybrook, Connecticut, April 11, 1759, and was a farmer and shoe manufacturer. His maternal grandfather was Jesse Thrall, born May 7, 1765, and died December 16, 1843. His wife's mother was Augusta Emily Russell. George W. Doane attended the public schools at Circleville, Ohio, and in 1843 entered college at Marietta, Ohio, graduating in 1845. He then returned to Circleville and studied law in the office of his father. He was admitted to the bar in January, 1848, and practiced in partnership with his father, until he came west. In the spring of 1857 he went to Kansas with a view of settling there, but came to Omaha, April 18, 1857. Soon afterward he joined a party of young men who were going to Burt county to lay out a town site, and established himself upon a tract of beautiful land at Decatur, which he preempted and at once began to improve, but, not being inclined to agriculture, within four months he became a candidate for the office of district attorney for the 3d judicial district, to which he was elected. Before the result of the election was known he returned to his former Ohio home to settle up his business, and three months after the election he learned that he had been chosen district attorney. He at once returned to Nebraska and assumed his office. The 3d judicial district, of which Eleazer Wakeley was judge, then extended from the northern line of Douglas county to the British possessions and from the Missouri river to the Rocky mountains. There was no court house in the district at that time, and the sessions of the court were held in private residences, stores, barrooms, or other convenient places. Judge Doane was reelected in 1859 and retained the office until the district system was superseded by the county attorney system. In August, 1858, he was elected a member of the territorial council to represent Burt, Washington, and Sarpy counties. In 1860 he removed to Ft. Calhoun, which was then the nearest town, in the 3d district, to Omaha. In 1862 he returned to Ohio and remained there until the terminus of the Union Pacific railway was fixed by President Lincoln at Council Bluffs, when he again came west and began the practice of law at Omaha. In 1865 he was elected county attorney for Douglas county, and during his service he prosecuted successfully the case of the state against Ottway G. Baker, who was hanged in 1868 for the murder of Woolsey D. Higgins. In 1866 he was elected a member of the territorial council and participated in the last session of that body before Nebraska became a state. From that time until 1880 he gave his attention wholly to the practice of his profession, except that in 1868 he was elected to the city council and served one term. In 1880 he was elected a state senator. In 1887 he was elected on a non-partisan judicial ticket to the office of judge of the 4th judicial district, comprising the counties of Douglas, Washington, Burt, and Sarpy, and on the expiration of his first term, in 1891, he was reelected as a democratic candidate and served until the following year, when he resigned to accept the democratic nomination for Congress. In the election which followed he was defeated by David H. Mercer, the district being largely republican. Upon his retirement from the bench to accept the congressional nomination Judge Doane was entertained at a formal leave-taking tendered by his associates on the bench and members of the bar, on which occasion there was warm expression of the high esteem in which he was held as a judge and a man. Judge Doane enjoyed public confidence in the many important cases that came before him, involving adverse interests of the people and powerful corporations. It was in his court that bonds to the amount of $150,000, voted by the city to the Union Pacific railroad for the erection of the Tenth street viaduct, were enjoined before delivery on the ground that the conditions upon which they had been voted had not been fulfilled; and suits were begun before him to secure to the Chicago, Milwaukee & St. Paul, and the Chicago, Rock Island & Pacific railroad companies the right to run trains into Omaha over the Union Pacific bridge. Though these suits were removed to the federal court, the two companies gained the right to use the bridge, to the great advantage of Omaha and the entire state. Judge Doane has always been a democrat since he came to Nebraska, although in early life he was a whig. He was appointed by Governor Silas A. Holcomb as one of the board of trustees of the deaf and dumb institute at Omaha and the asylum for the blind at Nebraska City, which office he resigned at the end of one year. Though Judge Doane was never a member of any church organization, his sympathies and support have been given to the Episcopal church, and in 1868 he became one of the incorporators and a member of the board of trustees of Brownell Hall, which is an educational institution under the auspices of the Episcopal church. In

licanism working a little in General Thayer at this early period. The Bellevue *Gazette* of July 9, 1857, notes that "J. M. Thayer announces himself an independent candidate for Congress; platform: 'The best interests of the whole territory of Nebraska'"; but in 1859, the year of the actual organization of the Republican party in Nebraska, and when the metamorphosis of democratic politicians into republican politicians first gathered courage to openly manifest itself, the Nebraska City *News* remarks that "the general was exceedingly wrathy because in his run for Congress two years ago we alluded to him as a republican."[1] The *Advertiser* nominated Mr. Rankin on the 18th of June, pressing his merits as "the poor man's friend," and as "a conciliator in those strifes which have rent and distracted the territory." Judge Ferguson was nominated by a delegate convention at Bellevue, July 14. Chapman was bitterly assailed by the *News* and the *Advertiser,* personally and politically, and they charged that he had never voted in the territory and was not a bona fide resident. Not many months before the *Advertiser* had been the profuse eulogist of Chapman, and now that it was recreant that smart politician did not scruple to publish a letter to himself from Mr. Furnas, editor of the *Advertiser,* stating that one of the official positions in the newly created land office at Brownville would not be unacceptable to him. In the meantime Chapman had filled the offices with other men. At the election Ferguson received 1,654 votes, Chapman 1,597, Rankin 1,304, and Thayer 1,288.[2] The large vote for Ferguson in Otoe and Sarpy counties saved him; and while Chapman had a heavy vote in Nemaha, Thayer ran nearly even with him in Douglas and thus caused his defeat. He of course contested the election at Washington, but without success, and his political career was ended. William W. Wyman[3] was again elected

1859 he was married to Miss Emily R. Greenhow, of Keokuk, Iowa, who was born at Vincennes, Indiana, in 1839. She was the daughter of James W. Greenhow, a railroad contractor who aided in the construction of the Ohio & Mississippi railroad and the Wabash & Erie canal. Her uncle, Judge Ellis, was the first president of the Ohio & Mississippi railroad. Her grandfather, Dr. Greenhow, was a prominent citizen of Richmond, Virginia. Five children were the issue of this union: Cora A., born in 1860; Guy Russell, born in 1862; William Greenhow, born in 1865; Daisy C., born in 1872; and George W., born in 1878.

[1] Nebraska City *News*, July 16, 1859.

[2] Records of Nebraska Territory, p. 140.

[3] William Wells Wyman came from sturdy English Puritan stock. In the early years of the century commencing with 1601 the home of Francis Wyman, the head of this branch of the family, was at West Mill, county of Herts, England, where descendants of the family still reside. Some time previous to 1640 his sons, Francis and John, left England, and in December, 1640, settled in Woburn, near Boston, Massachusetts. The subject of this sketch was the son of Levi Wyman, who served with General Stark's brigade in the battle of Bennington and subsequently removed to Compton, Canada. Here William W. was born and received a common school education, but in a greater degree he obtained from his early experience in a printing office, and from observation and contact with men, the education that enabled him to become a successful editor and publisher. He was not content to be a mere type-setter, but became proficient in all that then pertained to the printer's art. He was married to Miss Emeline Tupper at Canton, New York, on December 7, 1825, and there were born to him four sons and six daughters. Mrs. Wyman died March 20, 1848, at Madison, Wisconsin. Mr. Wyman's first business venture was in the publication of the St. Lawrence *Republican,* at Potsdam, New York, in 1827. In 1828 he moved to Canton, the county seat, and continued the publication under the same name until 1830. Later, removing across the St. Lawrence into Canada, he published the Cornwall *Observer* from 1833 to 1837. In 1838 he settled at Madison, Wisconsin, where he published the Madison *Express* and later the Wisconsin *Statesman,* both of which ranked among the leading papers of the territory and state. As an editorial writer his style was plain and to the point. He impressed his readers with the conviction that he earnestly believed in the principles he advocated, and that his aim was the good of the people among whom he lived and of their country. While residing in Madison he was married to Miss Milla Parmeter, by whom he had two children, a son and a daughter. The latter, Ianthe C. Wyman, became the wife of George A. Hoagland and still resides in Omaha. Still with his face to the West, in 1854, Mr. Wyman turned his attention to the then newly organized territory of Nebraska, and visited Omaha with the view of making it his future home, and in 1855 he settled with his family in Omaha. In June, 1855, he was appointed by President Pierce postmaster at Omaha. In 1857 he was elected by the people as territorial treasurer of the territory of Nebraska, and was reelected, serving two terms. The following letter written by W. W. Wyman to his son, William H., and referring to Albert U. Wyman, who was later to become a prominent pioneer of Nebraska, is of interest here:

"OMAHA CITY, N. T., Feb. 10, 1856.

"DEAR WILLIAM,—

"The territory of Nebraska has authorized me by an act of its late session to borrow four thousand dollars to pay up its indebtedness, to run ten years, if required, by paying the interest annually, at any rate that may be agreed upon, not exceeding fifteen per cent. Now will you make some inquiry of your

treasurer; Samuel L. Campbell[1] was elected auditor; John H. Kellom,[2] librarian; and Charles Grant,[3] attorney general. O. D. Richardson was ill-requited for his faithful service in the first council by defeat as a candidate for attorney general. Another prominent and worthy figure in Nebraska history, George W. Doane, makes his first public appearance through election to the office of district attorney of the 3d district; and two other well-known men, James G. Chapman[4] of Douglas county and William McLennan[5] of Otoe county, were elected attorneys of the 1st and 2d judicial districts respectively.

moneyed men and see if it can be got in Madison, and on what terms? The surety is perfectly good, for the territory is holden for the amount and interest. I sent you a paper containing the Law the other day.

"Please write me a line as soon as convenient after receiving this, and let me know if it can be had there, for if I am under the necessity of going abroad for it I should rather get it in Madison, as I expect to be there in the month of April next.

"All well at present. Tell Albert that I am trying to get him to be cashier of the new bank in this place.

"Your affectionate father,
"W. W. Wyman."

In Omaha, as in all places of his residence, Mr. Wyman took an active part in advocating all that was for the common good. He served as a member of the city council, and held other positions of honor and trust. While he was postmaster he erected a brick building, the first story of which he used for a post-office, perfect in its appointments and a credit to its builder and to the city. In 1857 he established the Omaha *Times*, in which he advocated a return to the principles taught by Jefferson and exemplified by Jackson. In his costume, as in his manners, Mr. Wyman clung tenaciously to the old habits, and in respect to both was always a gentleman of the old school. He died on February 20, 1864, and as the Omaha *Nebraskian* said of him at the time of his death: "Omaha will never cease to give evidence of his taste, industry, and enterprise."

[1] Samuel L. Campbell was a native of Indiana, born in 1840. He was a resident of Red Oak Junction, Iowa, in 1861, when he enlisted, June 15, in company F, 1st regiment of Nebraska veteran volunteer cavalry. He was discharged for disability June 20, 1862.

[2] John H. Kellom was born in Washington county, New York, in 1818. He taught school at Auburn, New York, and took a course at Williams college. In 1842 he went to Georgia, where he taught school and read law. He was married in July, 1850, to a Miss Newell of Springfield, Massachusetts. He settled in Omaha, Nebraska, in 1856. October 28, 1856, he was elected superintendent of public instruction. He started a bank there in 1857 under the name of Gridley & Company, but only continued it six months on account of the panic; was appointed territorial librarian, August 3, 1857. In 1858, in company with Henry Zoller, he went into the grocery business, and the same year he was elected to fill a vacancy in the first board of aldermen of Omaha. He was the first city treasurer of Omaha in 1858; was appointed clerk of the United States district court in 1859 and also clerk of the territorial district court, holding the position three years. In 1862 he was appointed United States deputy collector and held that office for three years; was a member of the first Omaha board of education in 1859; in 1865 he was commissioned as postmaster of Omaha, and held the office nine months; in 1866 was engaged by the Omaha school board to open a high school, and was employed as principal for three years, and Mrs. Kellom was, also, one of the corps of teachers; was elected president of the first board of directors of the Omaha public library in 1877 and resigned in June, 1880; went to California in 1880 and engaged in orcharding; he died at Tustin, California, March 17, 1891. One of the modern school buildings of Omaha has been named in his honor.

[3] Charles Grant was the first solicitor or city attorney of Omaha, elected by the city council, March 12, 1857, and resigned June 23, 1857, James M. Woolworth being elected to fill the vacancy.

[4] James G. Chapman came to Nebraska in 1856 and in 1857 formed a law partnership with John I. Redick under the firm name of Redick & Chapman. He was local superintendent in Omaha of the Credit Foncier of America. In 1868, upon the organization of the Central National bank, Mr. Chapman was elected vice-president.

[5] William McLennan, pioneer lawyer and for many years prominent in the territorial and state affairs of Nebraska, was born in Columbiana county, Ohio, December 19, 1819. He was of Scottish ancestry, and a son of Kenneth and Janet (McLaughlin) McLennan, both of whom were born in Inverness, Scotland, where their paternal ancestors lived for some generations. Kenneth McLennan and a brother, Donald, were the only members of the family to emigrate to America, the former settling in Columbiana county, Ohio, and the latter, who had lost a leg in the battle of Waterloo, in Halifax. To Kenneth McLennan and wife were born eight children, namely, Donald, Eliza, Margaret, Janet, Ann, William, Kenneth, and Eleanor. The three youngest were born after their parents came to America; the three eldest are dead; Ann resides in Oberlin, Kansas; and the others, excepting William, reside in Ohio. The latter went to the public schools of Steubenville, and later spent three terms at Grove academy in the same town. At the age of twenty he commenced the study of law under the preceptorship of O. C. Gray, a Steubenville lawyer. After a year he entered the office of Edwin M. Stanton, famous later as secretary of war, and a year later was admitted to the bar. In 1846 he removed to Illinois, and for four years was in successful practice in Carthage, Hancock county. Then he went to Keokuk, Iowa, where he spent four more years. In 1854 he built a steam ferry boat in Columbiana county, Ohio, and took it down the Ohio river and up the Missouri river to Council Bluffs, and during the summer of 1854 he ran the boat between the Iowa and Nebraska sides. On his trip up the Missouri he had inspected the country along its banks, and Nebraska City and the country surrounding had impressed him favorably, and in May of 1854 he located upon the tract of land near the town of Nebraska City, which he resided upon for nearly half a century. In 1855 he built a sawmill, which was one of the first steam mills west of the Missouri, and also built a boarding house on his

Governor Izard left Nebraska for his home in Arkansas on the 28th of October, 1857, having previously resigned his office.[1] A local newspaper, taking exceptions to a fulsome eulogy of the governor by another journal on the occasion of his departure, mildly hits off his character: "We consider him a good man —an amiable and worthy citizen—but not *exclusively* designed for a practical executive."

In 1857 James C. Mitchell, the whilom capital commissioner, was publisher, and L. H. Lathrop, editor of the Florence *Courier*. The issue of March 12 of that year contains a scurrilous attack on Governor Izard. Mitchell no doubt knew the vulnerable spots of the governor's official character and record, and so, while the reckless severity of the accusations suggests a suspicion that the governor had thwarted some of the crafty commissioner's political schemes, yet it is likely that they contained at least the tincture of truth.

A part of the *Courier's* arraignment follows:

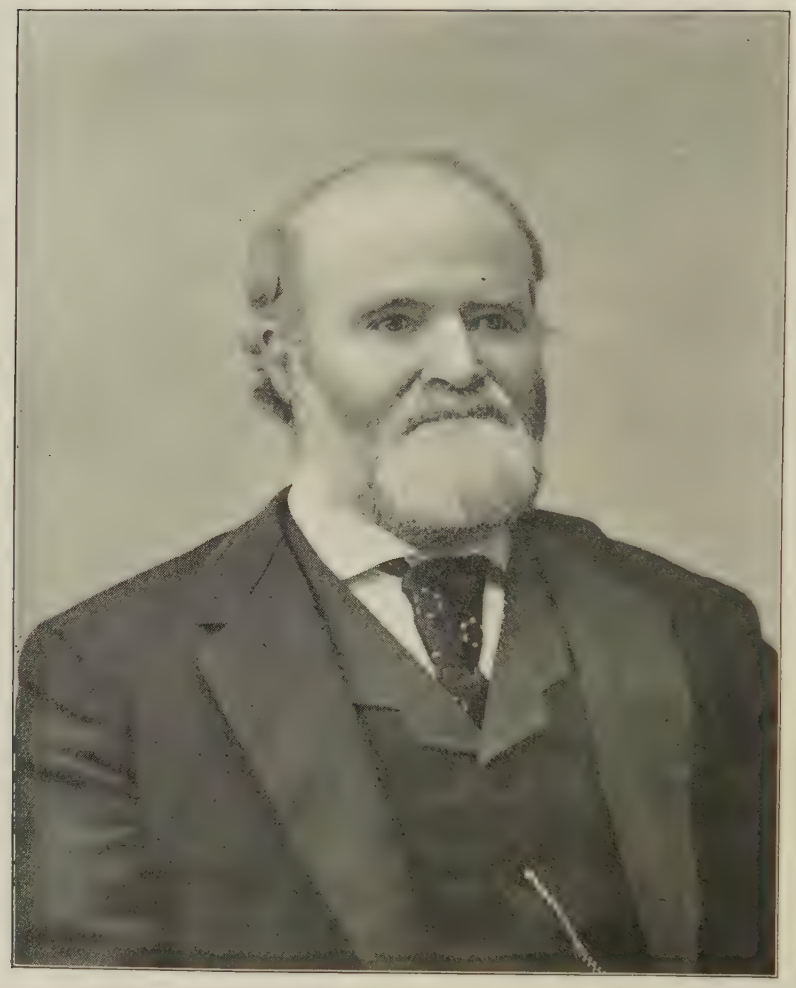
"We want a man who will be governor of the whole territory, not one who (like the present incumbent) will so far pervert his mission as to set himself up as the governor of a particular city, holding the balance of the territory as mere outside dependencies, subservient and tributary to that particular locality. We want a governor with some snap to him, one who will occasionally visit the different sections of our territory, and endeavor to make himself acquainted with its position, its resources and its wants; not one like Mark W. Izard who will stick himself down in Omaha and confine himself to its limits month after month and year after year, idling away his time in the mere animal enjoyment of eating, drinking and sleeping, to the manifest neglect of the interests of those over whom he has been sent to preside; looked upon and pointed at by them as the very quintessence of ignorance, indolence and imbecility."

Surely this was more than enough, but the article goes on to charge the governor with the downright sale of his approval or disapproval of bills, joint resolutions, and memorials, including bank and ferry charters.

Governor Izard interposed three notable vetoes of legislative action. His obstruction of the will of a decided majority of the legislature to remove the capital in 1857, tried by the general principle involved, seems unwarranted. Yet on the whole it may have been prudent and for the best interests of the public; and at any rate, considering his environment and his temperament, this action was a matter of course. The veto of the bank bills and of the act repealing the criminal law was in point of duty and effect, at least, wholly to

land. Some years ago the fickle waters of the Missouri washed away the site of the old mill. At that time Colonel Downs and his family were the sole inhabitants of old Ft. Kearney, and in the entire country around there were not a score of bona fide settlers. In 1855 Mr. McLennan was elected district attorney for the big district comprising the territory south of the Platte river, and was reelected in 1857. In 1863 he was a member of the territorial legislature, and a member of the constitutional convention in 1864. In 1868 he was again elected to the legislature, and was speaker of the house in the sessions of 1869–71. In 1870 he was nominated by President Grant for the position of assistant United States attorney, but the nomination was not confirmed by the Senate. After retiring from office he abandoned the practice of law and turned his attention to farming, which he pursued for many years with marked success. His public life was beyond all but the most favorable criticism. His life of nearly half a century in Nebraska was in all things exemplary. For many years prior to his death he refrained from taking an active part in politics. In his early manhood he was a whig, later a democrat, and after the close of the Civil war he became a republican. Mr. McLennan was four times married. His first wife was, in maidenhood, Sarah B. Hall, born in Indiana, and they were married in 1857; she died in August of the following year. In October, 1859, he was married to Miss Martha J. Hall of Bureau county, Illinois, who died in December, 1868, leaving two children, William E. and Mary J. On September 15, 1870, he was married to Ella Ewing, born in Utica, New York, and she died November 28, 1871, leaving one child, Ella M. In December, 1876, he was married to Margaret Frances, daughter of Jesse and Hannah (Streeter) Brown, of Mason county, Illinois, who survives him, and has borne him one child, Stella. Mrs. McLennan's father was a graduate of West Point military academy, and was one of the pioneers in Richardson county, Nebraska, settling there in 1860, and residing there until his death. Mrs. McLennan at the time of her marriage was a widow, having previously been married to John Sittler (deceased) and was the mother of three children, Ida, Gussie, and Ernest. Both of Mr. McLennan's maternal grandparents lived beyond the century mark, his mother's father, William McLaughlin, dying in Columbiana county, Ohio, in 1833 at the age of one hundred and one years, and his wife surviving him some years and reaching the great age of one hundred and two years. Mr. McLennan died, May 17, 1903, at his home in Nebraska City, death resulting from injuries sustained by a fall a few days previously.

[1] Records of Nebraska Territory, p. 143.



Wm McLennan

his credit. The accusation which found its way into the press, that his opposition to the bank bills was purchased by the existing banks to shut out more competition, should be regarded with consideration of the reckless charges against the public men of the territory which characterized that period. The Omaha *Herald* of October 19, 1866, in noticing a statement in the Helena (Arkansas) *Clarion* that Governor Izard died at his residence in St. Francis county on the 4th of October, 1866,[1] remarks that, "when in Arkansas we heard of Governor Izard as having lost everything during the war."

William A. Richardson[2] of Illinois succeeded to the governorship, January 12, 1858, Secretary Cuming acting as governor in the interim.

The 4th general assembly convened on Tuesday, December 8, 1857—the time fixed by act of the preceding legislature.[3]

The members of the council held over without change—a cheering indication of increasing stability of the population and public sentiment of the territory. The fact that Dr. Geo. L. Miller was elected president of the council by a vote of 9 to 3 indicated also a change in sentiment or intention as to the capital question. The president followed up his opportunity by appointing two Douglas county members, Rogers and Salisbury, and another heretofore safe North Platte man,

[1] According to Van B. Izard of Forest City, Arkansas, a son of Governor Izard, the latter died in August, 1866, instead of October.

[2] William A. Richardson, governor of the territory of Nebraska from January 12, 1858, to December 5, 1858, son of James L. and Mary (Edmonson) Richardson, was born January 16, 1811, in Fayette county, Kentucky, and died December 27, 1875, in Quincy, Illinois. In early youth he attended school in the little log school house of his native county and there secured the rudiments of an English education. Later he spent three years at Walnut Hill preparing for college. From there he became a student in Center college, Danville, Kentucky, and then entered Transylvania university at Lexington. At the end of his junior year he left college to teach school, and a year later entered the office of Allen & Simpson, where he studied law, being admitted to the bar in March, 1831. After a short residence in Shelbyville, Illinois, he volunteered in the Black Hawk war, 1832, serving four months. In the fall of the same year he went to Rushville, Illinois, where he resided until 1849, when he moved to Quincy. In 1834–35 he was state's attorney for his district and resigned in 1836 upon his election to the Illinois legislature. In 1838 he was elected to the state senate for a term of four years. In 1844 he was unanimously nominated and elected, by a large majority, to the legislature, and was chosen speaker of the house. At the beginning of the War with Mexico in 1846, Mr. Richardson raised a company of which he was chosen captain and served in the 1st Illinois regiment under command of Col. J. J. Harding. He was in active service until July, 1847, when his term expired. In August of that year he was elected to Congress and reelected the following year by a large majority. Two years later he was again elected, and in 1854 defeated Judge Archibald Williams by over 900 majority. In 1856 he resigned his seat in Congress to accept the nomination on the Democratic ticket for the office of governor of Illinois. He was defeated by only a small plurality. The next year President Buchanan tendered him the appointment as governor of the territory of Nebraska, which he declined, but in December of that year (1857) the office was again offered to him, and he immediately went to Omaha, where he was inaugurated January 12, 1858. He resigned the governorship in September, 1858, but was not relieved until December 5, when he returned to his home in Illinois. In 1860 he was again elected to Congress from the Quincy district, and in 1863 he resigned his seat in the House to enter upon the duties of United States senator, to fill out the unexpired term of Stephen A. Douglas. His term expired in 1865, after which he held no public office until 1874, when he was chosen a member of the board of supervisors for Adams county, Illinois, in order to keep the court house in Quincy. Governor Richardson was married January 18, 1838, to Cornelia H. Sullivan of Quincy. Mrs. Richardson was a woman of great personal beauty, and although considerably younger than her husband exerted an influence for good until her death, which occurred April 22, 1864. Seven children were born to them, three dying in infancy and four living to manhood and womanhood: Helen V., who married Captain T. T. Dwight, and died in Chicago, April 29, 1902; George J., who married Miss Susie A. Long of St. Louis, and died in Quincy, Illinois, April 20, 1876; William A., who married Miss Anna D. McFadon of Quincy, Illinois, and resides in that city; and John S., a resident of New York city.

[3] The representation in the House was as follows: *Burt* and *Cuming* counties, William B. Beck; *Cass, Clay, Lancaster,* and *Gage,* Dr. Edmund A. Donelan, Turner M. Marquett, Lawson Sheldon, Joseph Van Horn; *Cedar, Dakota,* and *L'eau-qui-court,* William G. Crawford, Edward C. Jones; *Dodge* and *Platte,* John M. Taggart; *Douglas,* George Armstrong, George Clayes, Michael Murphy, Joseph W. Paddock, Andrew J. Poppleton, John A. Steinberger, James A. Stewart, Dr. William R. Thrall; *Nemaha* and *Johnson,* Albert J. Benedict, Samuel A. Chambers, John S. Minick; *Otoe,* Joshua G. Abbe, Dr. John C. Campbell, James H. Decker, William B. Hail, J. Sterling Morton, Daniel B. Robb; *Richardson* and *Pawnee,* Dr. A. F. Cromwell, Wingate King, Rev. Pleasant M. Rogers; *Sarpy,* James Davidson, Amos Gates, Charles T. Holloway, Silas A. Strickland; *Washington,* Paris G. Cooper, Alonzo Perkins, James S. Stewart, Potter C. Sullivan. On the 21st of December it was decided by a vote of 26 to 7 that Perkins was entitled to Mr. Sullivan's seat, and he was thereupon sworn in.—(House Journal, 4th Ter. Sess., p. 77.)

W. A. Richardson

Puett[1] of Dakota, as the committee on public buildings.

J. Sterling Morton and Andrew J. Poppleton were again returned to the house, and among other members who afterward became prominent in the state were J. W. Paddock[2] and T. M. Marquett. The contest for the office of speaker was between J. H. Decker and J. Sterling Morton—both of Otoe county—the former receiving 20, and the latter 12 votes. Mr. Morton's attitude toward the capital question had been completely reversed, and at a public meeting held at Nebraska City, after the adjournment of the legislature, where the members from Otoe county were called upon to explain their action in the Florence affair, Morton boldly stated that two years before in the capital contest he had struggled to the end for removal; a year later when he became a candidate for reelection he was defeated on this record (by 20 votes), and he came to the conclusion that his constituents cared but little about the removal, and he himself believed that it was impolitic and inexpedient to raise the question at the late session.[3] It is quite likely that Mr. Morton had other reasons also for this change of attitude—and not unlikely some scores to settle—but this one was sufficient, and justified itself.

The message of Acting Governor Cuming, delivered at the opening of the fourth session of the general assembly, was his last important official communication. Few public men of Nebraska have written so forcibly as Cuming wrote; but the youthful glow and the rhetorical flavor of this message are in decided contrast with the mature, matter-of-fact of Governor Richardson's communications. These opening paragraphs of Governor Cuming's message illustrate the rhetorical quality of his writing:

"We are assembled to-day under the most favorable auspices. The territory of Nebraska has, thus far, achieved all that her friends could ask. Her early organization and rapid progress have signally illustrated the safety and expansive force of the principles of the federal compact, from which naturally sprang her organic act.

"The imprint of her 'Great Seal' has been genuine. 'Popular Sovereignty' has been vindicated; 'Progress' verified. Peace and good order, practical vigor and manly observance of constitutional obligation have characterized the conduct of our people. No dangerous agitation or political heresies have been permitted to take root; but the seeds of industry, education and law, planted at the commencement by enterprising and practical men, have yielded the legitimate fruit of a safe and efficient self-government.

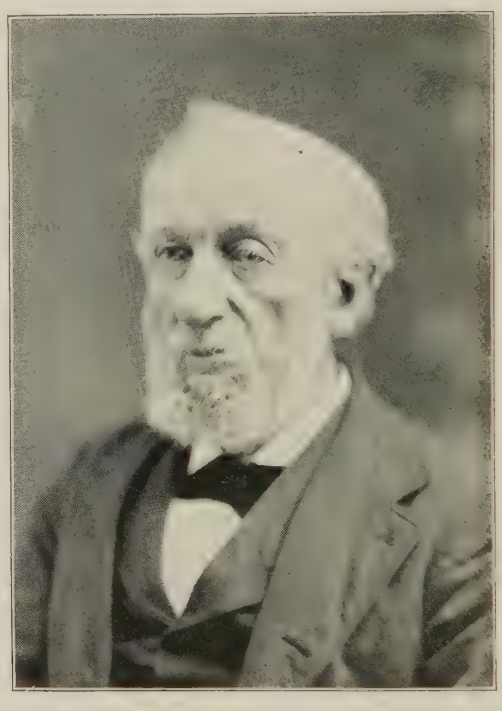
[1] Alfred W. Puett, with others, crossed the Missouri river from Iowa where a temporary settlement had been made, on a 4th of July excursion in 1855, and the party was so well pleased that many of them, Puett among the first, returned and formed a settlement, and laid out the old town of Omadi, in Dakota county. Mr. Puett was elected the first councilman from Dakota county, and served in the third and fourth sessions of the territorial assemblies. He was a charter member of the Masonic lodge instituted at Omadi, June 2, 1858.

[2] Joseph Williamson Paddock, pioneer of Omaha, was born in Massena, New York, April 27, 1825. He was educated in his native state and before leaving there he was engaged in the mercantile and manufacturing business. He settled in Omaha September 24, 1854. He was chief clerk of the house of the first session of the territorial assembly, and was the first clerk of the territorial court in the 1st district court under Judge Fenner Ferguson, serving in that office from April, 1855, to July, 1858. Mr. Paddock was energetic and enterprising in promoting the development of Omaha and Nebraska, and was three times elected from Douglas county to the territorial and state legislatures. He was a member of the lower house of the 4th and 11th territorial assemblies, and of the house of representatives of the 1st state legislature. In 1869 he was a member of the city council of Omaha. Upon the organization of the 1st Nebraska infantry, he was appointed captain of company K and served four months, when he was detailed to staff duty in the fall of 1861. In 1862 he was appointed to the adjutant general's corps under General Steele. At the close of the war Major Paddock returned to Omaha, where he was connected with a great many business enterprises and organizations. In 1867 he was a member of the Omaha Horse Car company, was one of the incorporators of the Thompson-Houston Electric Light company, September 26, 1885; was secretary and treasurer of the Western Transportation company, and for a number of years was the stock and general claim agent for the Union Pacific railroad. In January, 1891, he was appointed by President Harrison government director of the Union Pacific railway company. The later years of his life he devoted to personal interests. He was a member of the Grand Army of the Republic and of the Loyal Legion. He was married at Canton, New York, September 2, 1858, to Susie A. Mack, who resides with her son, Benjamin S. Paddock, in Denver, Colorado; a daughter, the widow of William E. Annin, lives in Washington, D. C. The late J. Sterling Morton said of Major Paddock that "he seldom made an enemy, never betrayed a friend, and never maliciously told an untruth."

[3] The Nebraska City *News*, January 23, 1858.

"Under such circumstances, and inhabiting a country of such vast extent, natural beauty, and productive wealth—although lamentable dissensions have given to our sister territory a wider notoriety—we may well congratulate each other, upon our verification of the political truth, 'Happy is that people whose annals are tranquil.'

"We have, assuredly, no ordinary cause of gratitude to Him who rules over all things for the opportunities vouchsafed us—the advantages of geographical position on the great natural line of commerce, a foremost place in the race of territories, and the facilities of modern improvements and great enterprises to promote our advancement in every department of industry and art. By continued adherence to wise and moderate councils, by earnest and real public spirit and internal harmony, immigration will be rapidly increased, our new counties speedily populated, the great cities of the seaboard will identify with ours their commercial interests, and capital, once more liberated from financial paralysis, will find its safe and more profitable investment in the fee-simple of our fertile woodlands, prairies, and valleys."



CHARLES W. PIERCE[1]

The legislature is advised that the capitol, a "spacious and imposing edifice, now nearly completed under the appropriation by the general government and through the public spirit of the city of Omaha," has cost fifty thousand dollars more than Congress had provided, and the governor recommended an appeal to that body for the amount of the deficit. He advises another memorial to Congress for the proper distribution of troops along the emigrant line in connection with an application for grants of land for building a Pacific railroad along the valley of the Platte; he states that arrangements for the completion of the Atlantic and Pacific telegraph from the Missouri river to the Pacific have been perfected; advises a memorial to Congress for an appropriation to build a military bridge across the Platte river; avers that the code of practice "is universally regarded by the bar as meager and defective" and that "the statutes are limited, confused, and contradictory."

He complains that the school law, though adequate, has been almost unheeded.

"Many county superintendents have failed to qualify as prescribed in sections 19 and 20, chapter 18, 2d statutes; and the county clerks have provided no substitutes; nor has the forfeit been collected by the prosecuting attorney as provided in section 23. Others have neglected to report to the superintendent of public instruction on the 1st of November, as ordered in section 32. Thus the law has

[1] Charles Wilder Pierce, pioneer of Otoe county, son of Wilder and Catharine (Rider) Pierce, was born July 21, 1828, in New York City. His father, Wilder Pierce, was a descendant of the Puritans, and his mother, Catharine Rider, of the Holland-Dutch. Charles Wilder Pierce received his early education in the public schools of New York and Yates Academy in Orleans county, New York, and went to Dubuque, Iowa, in 1849. From Dubuque he went with a government surveying party to survey the northern boundary of Iowa and retained this position for six months, then went to Council Bluffs, Iowa, and worked for the Council Bluffs & Nebraska Ferry company for eighteen months. From there he went to Sidney, Iowa, where he made his home until May 3, 1854, when he removed to Nebraska City, Nebraska, where he still (1904) resides. He has been a surveyor and bridge builder since his residence in Nebraska City, and held the office of engineer and county surveyor much of the time. He helped lay out the town of Nebraska City, and spent ten years in running township lines in Nebraska and Kansas. Mr. Pierce is a democrat and was appointed the first postmaster of Nebraska City. He was sergeant-at-arms of the council of the 2d territorial assembly of Nebraska. He was married at Sidney, Iowa, in May, 1854, to Miss Mary Talley. Mrs. Pierce died May 13, 1855.

been rendered virtually a dead letter. In many, if not all the counties, no districts have been formed; no taxes levied; no teachers employed and no steps taken in respect to school laws. The act of Congress of 1857, providing for the selection of other sections in lieu of the 16th and 22d, when occupied and improved prior to the surveys, has temporarily abridged the land fund, but it is the duty of the county superintendent (Chap. 18, sec. 9) to examine, allot in parcels, and value the sections not thus occupied, as well as others after they shall have been selected."

It appears that the law of 1856 providing for a general military organization had not been carried out; for, the message informs us, while "companies exist in nearly every county their organization is very imperfect or suffered to decline." The governor favors the then undemocratic expedient of "a small appropriation" to each county from the territorial revenue "to encourage the development of our agricultural and productive resources."

Governor Cuming's limited and faulty understanding of the principles of banking, as also his clear foresight and positive opinion as to the vexed subject of the territorial banks, were expressed as follows:

"It may be urged that specie is again returning to its former channels, and that public trust will soon revive. Yet what amount of coin will repair the injury already wrought, or afford a basis of security against human avarice, stimulated to extravagant speculations and unscrupulous excesses by the facilities afforded by an insecure banking system? The history of 'profitable' banking is inevitably the history of alternate depression, overaction, and ruinous expansion. May we not hope that the events of the year will lead to a general reform, and to the restriction of paper to the uses of commercial men? Believing as I do, that the whole system of banking is insecure, even when based on state stocks and securities, where one promise to pay is made the basis of another, both perhaps equally fallacious, and being especially convinced that the institution of banks in this territory was impolitic, and that there are imperfections in the charters, I respectfully urge that some adequate means be taken to remedy the evil and protect our citizens in future. Many persons who have realized from such systems advantage to themselves may have heretofore seen no danger to others. But the experiment has now, at least, been fully tried, and none can be so far deluded by the transient stimulus and temporary vigor imparted to business transactions by traffic in expanded credit as to fail to see the necessity of additional protection of labor and of the great agricultural and other producing interests, upon which our true prosperity depends. The action of the first few years is apt to fix the character of the future state; and in the important respect of the financial policy to be pursued, no timidity, or indifference, or interested motives should be permitted to prevent or postpone a determined effort to avert, in future, calamities such as those from which the country is just emerging. The banks now in existence in the territory are perhaps as safe as most of such institutions. Prudently managed in their infancy, but few of the community have suffered loss. Yet it is equally true that their profits are to be made hereafter. In the meantime gold and silver, withdrawn from eastern adventures and depositaries, may be expected in sufficient quantities for the ordinary purposes of trade. Although, therefore, paper money is now so identified with the business habits of the community that the prospect of its abolishment, perhaps for a long time to come, seems impracticable and to many absurd, yet, within our own jurisdiction, by proper safeguards and restrictions, we may approximate such a result; and may now provide that the full specie equivalent of all circulated bank paper shall be at all times within the reach of every citizen."

The message shows from the records of the land office at Omaha that during the ten months, from February to November, 462,349 acres of land had been entered by preemption. The governor felicitates the territory on its isolation from the embroilments growing out of the imminent questions of national politics:

"Safe thus far from the interference of reckless agitators and the mad efforts of intolerant fanatics, we can furnish to the world an enviable proof of the legitimate effect of the genius and spirit of our republican institutions. No retribution can be too severe if through casuistry or local strifes or political infidelity, we prove recreant to that beautiful federative system to which we owe our existence, and under which alone we can achieve true and permanent greatness."

The foreboding thus expressed by this bright man was no doubt representative of

the sentiment of northern democrats of that time as to the source of the impending danger.

The report of the superintendent of public instruction,[1] Mr. J. H. Kellom, sets out that the public school lands are not yet available for the purpose intended, and that "The title to them not having passed from the general government, a special act of Congress is thought by some to be necessary in order to make them ours." What follows is prophetic, as well as wholesome admonition:

"If the school lands are held intact; not sold too early, nor exchanged for others of less value, the time is not far future when this territory will possess a school fund equal in value to that of New York or Connecticut, and which will give to every son and daughter within her borders a good, practical, common school education. As the school lands are the basis of this prospective fund, every citizen in the territory should be deeply interested in their preservation; and you, in the capacity of legislators, will not hesitate to throw around them that protection which shall preserve them for all time to come."

The territorial treasurer again makes a dismal report showing that "only two counties, Douglas and Otoe, have paid any territorial revenue into the treasury for the year 1857."[2] The Napoleonic scheme of doing things affecting the public at large is pretty sure to be equally as short-lived as it is at first efficient and irresistible.

The capital question had logically run its course, and it was puerile politics to revive it at this time. The present location was as available as any that could be found, a large sum of money for those times had been spent upon the building, Congress would be in no mood, especially in the prevailing financial distress, to provide for a new building, and the territory itself was so desperately poor that it could not or would not meet its trifling incidental expenses. The legislature proceeded in about the usual way, the usual bills had been introduced, and Bradford, inexplicable though it seems, was placed at the head of a committee of the council to report a criminal code, and also continued as chairman of the judiciary committee. Now that Hargus was out of limbo through his effective mediatorship, and the wildcat banking field had been worked to sterility, he doubtless felt free and had the face to promulgate a bill for restoring the criminal law.

At the outset the capital trouble began in the council with the introduction by Bowen of Sarpy county of a resolution providing for the appointment of a committee of two to investigate the condition of the capital building, its cost, in whom the title rested, and what legislative action was necessary.[3] The resolution passed with only one adverse vote, that of Dr. Miller; and Bowen and Rogers of Douglas were appointed on the committee. On the 17th of December a resolution declaratory of Judge Ferguson's right to a seat as delegate in Congress, and incidentally reflecting severely on Chapman's action in contesting it, and which passed by a vote of 8 to 5,[4] further inflamed factional hatred.

On the 6th of January Mr. Abbe[5] of Otoe county introduced the inevitable bill to relocate the capital. Councilman Furnas made a statement in the *Advertiser*[6] in palliation of this annual South Platte sin.[7]

[1] House Journal, 4th Ter. Sess., p. 31.

[2] Ibid., p. 34.

[3] Council Journal, 4th Ter. Sess., p. 21.

[4] Ibid., p. 40.

[5] Joshua G. Abbe represented Otoe county in the territorial house of representatives in the fourth session and was appointed county commissioner of Otoe county in 1858 and elected to the same office the following year.

[6] January 28, 1859.

[7] After reciting that Governor Izard had spent the entire congressional appropriation of $50,000 and $8,000 in excess of the appropriation in constructing only one story of the building, Mr. Furnas goes on as follows:

"Congress failed to make further appropriations for the completion of this building; feeling that she had already dealt liberally with us. The city of Omaha, through her corporate authorities, without authority from the general government, or the legislature of the territory, assumed the labor and expense of completing the building. To perform which, and in addition, assist in erecting a jail, court house and hotel in their city, they issued $60,000 corporation scrip, in small sums, to become a circulating medium, and advertised upon the face of this scrip that it was secured by a pledge or mortgage of CITY PROPERTY. This large amount of currency, being as it was, afloat, it is not strange that great anxiety was soon manifested, and inquiries made by bill holders, to know *what* city

While Governor Cuming stated as a legal proposition that the city of Omaha had a lien on the capitol for the amount the city had expended in its construction, yet Mr. Rogers, the Omaha member of the committee, and the city council as early as January 4 were

property and *what amount* was pledged for its redemption. The city authorities of Omaha, to satisfy the numerous inquiries made by individuals, and through the press in various portions of the territory, made and published in the papers of their city an exhibit of pledged property, naming blocks, lots, etc.; and in this list, to the utter astonishment of nearly every one out of Omaha, appeared 'CAPITOL SQUARE AND THE BUILDING THEREON!' *as pledged for the redemption of scrip issued by the city* of Omaha.

"Under these circumstances, well known throughout the territory, members of the last legislative assembly would have proven recreant to the interests of a constituency at large had they not, upon assembling, instituted strict investigation into the true state of affairs concerning territorial property. One among the first acts of the assembly therefore was to appoint a 'select committee of the Council in relation to the capitol building and grounds in Omaha City.' Upon this committee was placed Hon. S. E. Rogers, member from Douglas county and a resident of the city of Omaha, who after making a report to the Council—which will be found in full on the first page of to-day's paper—is found acting as a member of the pseudo committee of the minority, in taking evidence,—the great majority of which is from citizens of Omaha, or those interested therein—and sending to the people in pamphlet form to prove that the majority 'deliberately and premeditatedly broke up the sitting of the legislature!'

"The committee ascertained that the mayor, Hon. Jesse Lowe, near nine months since, entered in trust, in accordance with the provisions of our territorial law, the grounds upon which the city is located, and had made to all parties holding quit-claim deeds, *except the territory of Nebraska,* warranty deeds to their respective interests.

"By reference to the report of this committee it will be seen, that although it exhibits a series of wrongs inflicted upon the people, there was not the hardihood to deny but that the territory *equitably* owned the property at issue, and a seeming willingness to give a deed manifested. Yet there was in all the answers of the city authorities a *'but,' 'if,'* or *'except'* in the way, and *the committee appointed for that purpose by the legislature were unable to procure for the territory of Nebraska a deed for capitol square.*

"Had a deed for capitol square been made by the city authorities, promptly when called upon by the committee for that purpose; we undertake to say and promise to support our assertion—if denied—by affidavits in abundance, that a capital bill would not have been introduced—not even notice given—at the last session of the legislature. The committee failing to procure a deed, consultation was held, and it was thought that notice of a capital bill might produce it. It was accordingly given by Mr. Abbe of Otoe. For the benefit of those not familiar with the rules or customs of transacting business in a legislative body, and to prove our assertion that this notice was given for effect, we here state that it has been customary in the Nebraska legislature to give notice of a bill to-day and introduce it to-morrow; and that *three days intervened* between the notice and bill in this case. The notice failing to secure the object designed, a bill was drawn and introduced. Now we come to the point. On the introduction of the bill, members of the House from Douglas county; ex-members; fanatical fire-eating leaders, who heretofore, and do yet govern and control all things of a public nature in and about Omaha, swore on the streets, in the bar-rooms, in the lobby, and in the bar of the House, that *'unless that bill be withdrawn, not another act of any kind should pass during the session!'* They would *'show the balance of the territory that the wheels of legislation could and would be blocked up, if they dared further to interfere with this capitol question!'*—that 'the capital *belonged* to Omaha, and she would retain it, even though it cost the *heart's blood of Douglas county!'—that the Legislative halls would be drenched with blood!* together with many other such expressions and threats. Such conduct towards the representatives of the people while engaged in their legitimate duties could not fail to excite in the bosom of any one possessed of the least spark of patriotism feelings of the most indignant scorn, and drove conservative men, who hitherto had cared but little about the simple capital question, to take decided and unflinching positions. The bill for re-locating the capital was read the first time, a point upon which there usually is no debate and never a vote. The minority to keep good their threat that *'no* bill of *any kind* should now pass,' obtained the floor in considering the next subject matter—the election of a territorial printer—and boldly announced their determination to occupy it for the next nine days, unless the majority would *withdraw the capitol bill.* The affair was now fast approaching the culminating point, and the two parties occupying the positions of 'YOU MUST' and 'WE WILL NOT,' it is not strange nor unexpected that a general 'pitch in,' 'knock down, and drag out' should occur among the members. But when outsiders, prominent and wealthy citizens of Omaha, who had been goading continually the Douglas county delegation to acts of violence, rush within the bar, seize the speaker of the House, hurl him from the stand, and crush him to the floor; then we say, law, order, and common decency are disregarded, the rights of the people trampled under foot, and insult added to injury." . . .

While the summing up by Councilman Furnas throws an interesting light on the controversy, his contention is by no means fully borne out by the findings of the committee which follow:

"The select committee appointed to investigate the condition of the territorial capitol building, respectfully beg leave to report:

"That they have made as thorough an investigation of the subject as their opportunities would permit; that they have examined the Honorable Secretary of the territory, (the present acting governor,) and also the Hon. Jesse Lowe, mayor of the city of Omaha, which examinations were reduced to writing, and are herewith submitted, with the accompanying papers, and made a part of this report.

"By reference to the testimony of Secretary Cuming it will be seen that the late Gov. Izard has left in the governor's office no papers or vouchers showing how or in what manner he expended the appropriation of fifty thousand dollars made by the gen-

Jesse Lowe

ready to eat humble pie by giving the territory full title to the property, making no claim on account of the city's large expenditure. On the 7th of January Governor Cuming sent the following message to each house:

"I have to inform your honorable body that I have received from Jesse Lowe,[1] mayor of Omaha, a deed of trust to all that portion of land known and designated on the old plat of Omaha City as 'Capitol Square' for the use and purposes of the capitol of the territory."

---

eral government for the erection of a capitol building for the territory; consequently the committee, in the absence of Gov. Izard, have no means of ascertaining how that appropriation was expended, whether economically or otherwise; Gov. Izard seeming to act without reference to the wants and wishes of the people of the territory, and entirely independent of and above them, although he was simply the trustee or agent to disburse this appropriation for their benefit. This conduct on the part of the late governor the committee deem extremely reprehensible and worthy of the severest censure.

"It will be seen from the testimony submitted that the capitol building is yet far from a state of completion. The appropriation of fifty thousand dollars by the United States has been expended; fifty-two thousand dollars has been expended upon it by the city of Omaha, under the direction of the mayor; an indebtedness of eight thousand was created in favor of the building, by Gov. Izard, beyond the amount of the appropriation, which indebtedness has to some extent been assumed and paid by the city of Omaha, making in the aggregate the amount of one hundred and ten thousand dollars, sixty thousand of which is beyond the appropriation;—and the lowest estimate to complete the same without the ornamental work outside, including the columns, etc., is twenty thousand dollars, making the cost of the building beyond the appropriation, eighty thousand dollars, and with the appropriation one hundred and thirty thousand dollars when completed in this manner. If the original plan is carried out (even in the cheapest manner) with the columns, etc., the lowest estimate is seventy-five thousand dollars, which added to the present cost, makes the whole cost when completed, one hundred and eighty-five thousand dollars.

"The committee are of opinion that when Gov. Izard undertook to erect so magnificent a structure for the capitol building of this infant territory, requiring so large an outlay of money, he exhibited a lack of prudence foresight and common management, greatly compromising him as a capable and efficient public officer, acting as a trustee for the territory.

"The committee are of opinion that in no event should any of the expense attending the erection of this imposing capitol edifice be borne by the people of this territory. The original appropriation of fifty thousand dollars was a munificent donation by congress, and amply sufficient, if it had been properly applied, to erect a building which would have been an ornament to the territory, and abundantly answered all its purposes as a capitol for a generation. Yet this appropriation has been swallowed up, and the territory as a whole has received, as yet, no benefit from it. If any party has derived any benefit it is the city of Omaha, in which the capitol building is situated, and in which the money has been expended. It is but just, therefore, that the city of Omaha should undertake and agree to save the territory harmless from taxation, in the amount that has already been, and which must yet be expended to complete the same. The committee take pleasure in reporting that the city of Omaha has recognized the justness of this position, as will appear by the following resolution, which was unanimously passed by the common council of the city of Omaha, on Monday, January 4th, 1858, and is made a part of this report:

"*Resolved*, That the mayor be instructed to assure the select committee, Messrs. Bowen and Rogers, appointed on the part of the Council, to investigate the subject of territorial capitol square and the completion of the territorial building erected thereon that the city of Omaha will in no event make the expense incurred by said city of Omaha in completion of said building a charge to the territory except in case an appropriation be made by the general government for the completion of said building.

"*Resolved*, That the mayor be instructed to urge the legislative assembly to memorialize congress for a sufficient appropriation to reimburse the money expended by the city of Omaha and complete said building." . . .

A part of Acting Governor Cuming's statement to the committee is as follows:

"Q. How far from completion is the capitol building?

"A. It is believed that it will take about twelve thousand dollars to finish it without the columns.

"Q. How long would it take to finish the building on present plan?

"A. In one season.

"Q. How much has been already expended on the capitol building?

"A. There is nothing in the governor's office bearing on that subject than stated before, nor has anything been communicated to the secretary's office at any time, nor has anything been communicated to me in person by the governor.

"Q. In whom is the title to capitol square vested?

"A. In the city of Omaha by pre-emption.

"Q. Who now has control of the capitol building?

"A. I consider that the territory of Nebraska has, and the city of Omaha is bound in good faith to deed the capitol square to the United States or the territory; but the city of Omaha has a lien on the building for the amount of some fifty thousand dollars, expended on the same."—(Nebraska *Advertiser*, January 28, 1858.)

[1] Jesse Lowe, a pioneer of Nebraska, was born March 11, 1814, in Rowan county, North Carolina, the youngest son of William and Jane (Blair) Lowe. The family removed later to Indiana, where he received his education. He was a brother of Dr. Enos Lowe, also prominent in the early settlement of Nebraska, and associated with him in the making and building up of Omaha city. He was admitted to practice as an attorney at law in the United States court for the district of Nebraska territory, October 21, 1856. Having been elected one of the first county commissioners of Douglas county, he took the oath of office and assumed the duties December 20, 1856. Mr. Lowe was elected mayor at the first city election of Omaha, held on the first Monday in March, 1857. Among his official acts as

tory, and the state of Nebraska when it may become such.

"T. B. CUMING,
"*Acting Governor of Nebraska.*"

But the day after this question of title to the capitol had been set at rest by the liberal action of Omaha, a majority of both houses voted to withdraw from the seat of government and go on with the legislative session at Florence, where a relocation bill was passed. This revolutionary break-up was the outcome of years of greed, violence, and sectional folly.

A committee of nine members of the minority rump which remained in Omaha—four from the council and five from the house—took a large amount of ex parte testimony, as laborious as it was inconsequential, on which they based a report. Their proceedings are printed in the journals of the session in question. The majority members made counter-statements in the newspapers. Though the anti-Omaha faction was guilty of the first overt act of violence, this priority was accidental, for the Omaha minority had undoubtedly determined at the outset to obstruct, by force if necessary, the clear moral and legal right of the majority to pass a removal bill. The unbridled spirit of violence which possessed the minority is shown by a sample of the affidavits of the majority faction, which also shows that old age secured neither respect nor immunity from assault by young and vigorous men:

"S. A. Chambers,[1] being duly sworn, testified as follows:

"'My name is Samuel A. Chambers; am fifty-nine years of age; was a member of the House of Representatives at the last session; was in the House on the 7th while the House was in committee of the whole on the subject of the election of public printer; I heard Mr. Poppleton and Mr. Steinberger,[2] members from Douglas county, and Mr. Minick, from Nemaha, say that unless the capital bill was withdrawn no further business should be transacted during the session; was out of the hall when the difficulty between the speaker and others commenced; heard that there was a call for members; started to go in; found the crowd at the door so intense that it was with difficulty I made my way within the door, and was utterly unable to get to my seat within the bar; when I got within the door I saw a number of persons having hold of Mr. Speaker Decker, among whom I recognized Mr. Murphy,[3] member of the House from

mayor were the entry of certain subdivisions of government land comprising the town site of Omaha in accordance with an act of Congress and under resolution of the city council, and his conveyance by mayor's deed to the proper owners of all lots within said tracts of land. And also during his incumbency provision was made for the erection of a county court house, and the territorial capitol building, built on the site of the present high school. He was active in the organization of the public school system, being one of the district school board. He encouraged all religious denominations, aiding many with personal help in building their houses of worship, notably the Episcopal and Lutheran. Mr. Lowe was married July 3, 1856, at Burlington, New Jersey, to Sophia Hoppin, daughter of George W. and Mary (Kennedy) Hoppin of Providence, Rhode Island, who survives him. Mr. Lowe's death occurred on April 3, 1868, at the age of fifty-four, as the result of his exposed life. His remains rest in Forest Lawn cemetery. The children of Jesse and Sophia Lowe were: Frederick Brown, a resident of Omaha; Charlotte Augusta, deceased; Jesse of Chicago, Illinois; and Tilghman Howard of California.

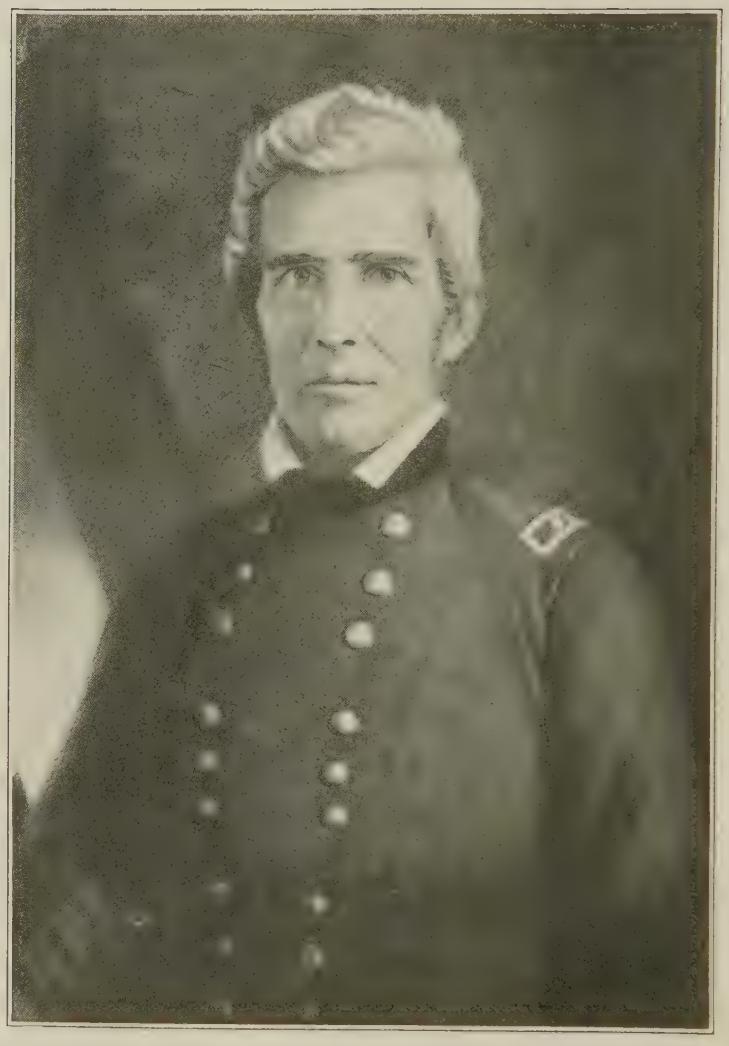
[1] Samuel A. Chambers, member of the 2d, 3d, and 4th territorial assemblies of Nebraska, was born about 1799, but the place of his birth is not known. Mr. Chambers was one of the first settlers of Brownville, but soon after removed to Peru, where he was one of the proprietors of the town site in 1857. He was chairman of the first claim club organized in Peru, July 26, 1856, and was one of the incorporators of the Nemaha county agricultural society, February 9, 1857. He was a member of the lower house in the 2d, 3d, and 4th territorial assemblies, representing Nemaha county. Mr. Chambers lived to be over eighty-five years of age, and resided at Peru until his death.

[2] John A. Steinberger was an Elkhorn town site speculator of Douglas county, and was president of the Elkhorn Claim Club. He was the father of Albert Steinberger, who went west to Auraria, and, November 6, 1858, was elected one of the delegates to proceed to Washington with a petition for a separate government under the name of the territory of Jefferson. He, however, dropped out of the delegation at Omaha. He was afterward king of a group of islands in the Pacific ocean, but was deposed by a British man-of-war.

[3] Michael Murphy, son of John C. and Maria (Tiernan) Murphy, was born in West Virginia, January 6, 1835, and moved to Omaha, Nebraska, in July, 1854. He represented Douglas county in the 3d and 4th territorial assemblies, was an active Omaha partisan during the capital removal contest, and the first to lay hold of Speaker Decker and pull him from the chair. In 1859 he went to Pike's Peak, afterwards living in Arizona, New Mexico, and Wyoming. In 1883 he moved to Lander, Wyoming, and later secured all the oil interests in that section. In 1901 he sold out to an English syndicate, and settled upon a ranch twelve miles south of Lander, where he now resides. In politics he is a democrat. He is a member of the Catholic church.

MICHAEL T. MURPHY

Died Saturday, April 8, 1905, at Casper, Wyoming, while en route to his home at Lander, Wyoming. For biography see opposite page.



GENERAL WILLIAM ORLANDO BUTLER

The first man to be appointed to official position in the government of Nebraska territory. For biography see page 608.

Douglas county, and a Mr. Kimball,[1] resident of Omaha, and who was not a member of the legislature. During the scuffle I saw Mr. Hanscom, a prominent citizen of Omaha and not a member of the legislature, rush toward the parties and seize the Speaker who was then torn from the stand to the floor where I could no longer see because of the crowd.

" 'Was in the House on the morning of the 8th when a motion was made to adjourn to Florence; did not vote on the motion; after the motion carried the majority retired, and the minority immediately reorganized by electing Mr. Poppleton of Douglas, speaker, and also electing other subordinate officers. I still remained in my seat directing some documents to my friends, after completing which I called the page to take charge of them and take them to the post-office; Mr. Morton of Otoe spoke to me from his seat, saying, "You have not the franking privilege—you have no rights here." I replied I had rights and would assert them. The speaker then ordered the sergeant-at-arms to "clear the House from all refractory members—take him out." Some one other of the minority added "and see that he does not take more than belongs to him." The sergeant-at-arms approached me when I replied, "I can go without being put out;" he took hold of me and walked with me to the door. From the time Mr. Morton spoke to me until I left the hall there was continued cheering and stamping by the minority and lobby. As I went out I looked back and discovered Mr. Poppleton, the newly elected speaker, near my back with his gavel drawn over me. He afterward told me he had followed me to the door, expecting I would prove refractory; but that he was ashamed of his conduct.' "[2]

The following statement is credited to William B. Beck, "an old and highly respected citizen of Washington county:"

"Ed. *Pioneer:* Dear Sir: I see in the *Nebraskian* a charge against you to the effect that you had stated in a certain 'extra' that knives were drawn at the time of the fracas in the last legislature.

"I take the liberty to state that such was the case to my own personal observation and knowledge; and I considered at that time, as I do now, that further opposition to Omaha men and measures would have been attended with serious consequences, and put in jeopardy the lives of at least a portion of that body."[3]

The legislative correspondent of the Bellevue *Gazette,* in the issue of January 21, 1858, stated the case thus:

"I cannot but believe that the people will feel proud of this legislature for the course it has taken. When an effort was made by an unscrupulous minority, aided by a mob, to clog the wheels of legislation, and cleave down the declared rights of the people and the majority to make their own laws, they stood up in the defense of those rights and the cause of the people.

"An excited mob, and an indignant and self-important accidental executive, together with the free offer of gold, could not swerve them from the path of duty and integrity. They knew that to yield would be to act the traitor to their friends, and they would prove faithless to themselves, faithless to their constituents, faithless to the country of their adoption, and faithless to the eternal principles of democracy as embodied in the Declaration of our independence, and with these sentiments of right and honor in their hearts, they took their stand. An effort was made to buy some of them but failed. They stood firm to the last hour and minute, in the defense of the people and right; and if their labor is lost, and the territory remains without laws for another year, they are not responsible for the consequences."[4]

Five members of the council—Miller, Rogers, and Salisbury of Douglas; McDonald of Richardson and Puett of Dakota—and thirteen members of the house—Armstrong,[5]

[1] Richard Kimball, member of the 3d territorial assembly, settled in Omaha in 1855, and was a member of the Omaha city council in 1870, and chief of police in 1872. He was for many years engaged in the ice business in Omaha, first in partnership with Martin Dunham and later with J. H. Hungate, who succeeded to the business after the death of Mr. Kimball in 1889.

[2] The Nebraska *Advertiser,* January 28, 1858.

[3] Ibid., February 18, 1858, quoting the Cuming City (Washington county) *Pioneer.*

[4] Bellevue *Gazette,* January 21, 1858.

[5] Colonel George Armstrong was born at Baltimore, Maryland, August 1, 1819; removed to Ohio in 1827 and learned the printer's trade. In 1843 he founded the *True Democrat,* of Chillicothe, Ohio, of which he was editor and proprietor until 1845, when its name was changed to *Ancient Metropolis,* a family paper, independent in politics, which Mr. Armstrong continued to publish until 1854. In 1855 he settled in Omaha and formed a partnership with George C. Bovey under the firm name of Bovey & Armstrong. This firm built the second territorial capitol, the Pioneer block, and other buildings. Mr. Armstrong was elected a member of the lower house of the 3d territorial assembly and was reelected to the fourth session. He assisted in organizing the first Odd Fellows lodge at Omaha and also the Masonic lodge, over which he presided for many

Clayes,[1] Murphy, Poppleton,[2] Paddock, Steinberger, Stewart,[3] and Thrall of Douglas; Cromwell[4] of Richardson and Pawnee; Jones[5] of Dakota and Cedar; Morton of Otoe; Min-

years; and at the organization of the Masonic grand lodge, in 1857, he was elected grand secretary, and in 1861 was chosen grand master, serving two years. He served as a volunteer in the Pawnee war of 1859; was elected mayor of the city of Omaha in 1861 to fill the vacancy caused by the resignation of Andrew J. Poppleton; he was reelected in 1862, and during a portion of his term he also served as probate judge of the county. Resigning both offices in 1862, he assisted in raising the 2d Nebraska cavalry, and was commissioned major of the first battalion which was mustered into the United States service in November of that year. After the nine months of service for which the regiment was raised, he was commissioned to recruit an independent battalion of cavalry to serve during the war. The following year the 1st battalion Nebraska veteran cavalry was mustered in, and Mr. Armstrong, captain of company A, was commissioned major commanding, and senior major after the consolidation of this battalion with the "Old Nebraska First," thereafter known as the 1st regiment of Nebraska veteran cavalry. After the close of the war, Major Armstrong was commissioned brevet lieutenant-colonel and later brevet colonel by President Johnson. In 1866 Colonel Armstrong was appointed clerk of the district court of Douglas county, and served nine years. In 1866 he was also appointed clerk of the supreme court of Nebraska, but resigned after the court was removed to Lincoln. In 1877 he was employed in the law department of the Union Pacific railroad company for one year. From 1878–83 he was chief deputy collector and cashier in the United States revenue office. In 1886 Mr. Armstrong erected a large warehouse and engaged in the agricultural implement trade with his son, under the firm name of Armstrong & Company. He continued in the business until 1891 when he retired from active work. Colonel Armstrong was married August 21, 1844, to Julia A. Ewing, daughter of Alexander Ewing of Chillicothe, Ohio, and four children were born to them: Ewing Latham, George Robert, Omaha, Rose and John, deceased, and Ella Rebecca, wife of George S. Gould, Mexico City, Mex. Mr. Armstrong was a member of the Unitarian church.

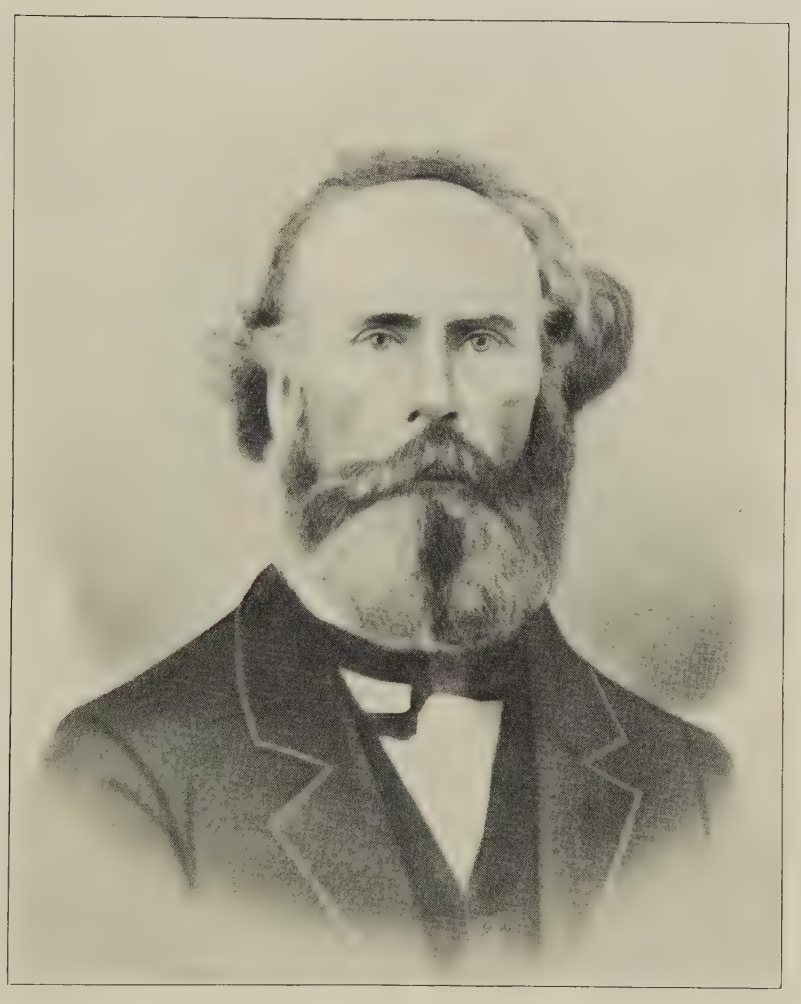
[1] George Clayes, member of the house from Douglas county in the 4th and 5th territorial assemblies, was engaged in the real estate business in Omaha under the firm name of Clayes, Lee & Co. It was Mr. Clayes who occupied the floor at the time of the hand-to-hand conflict in the 4th session between the Omaha and anti-Omaha members. He continued to speak during the entire disturbance. When called to order for not speaking to the question, Mr. Clayes is said to have retorted that it didn't make any difference, as he had to talk nine days, anyway. He erected a frame building on the west side of 11th street between Dodge and Douglas in 1856.

[2] Andrew Jackson Poppleton was born in Troy township, Oakland county, Michigan, July 24, 1830. He died at Omaha, Nebraska, September 24, 1896. He was a younger son of William Poppleton, a farmer and land owner of Oakland county, Michigan, and Zada Crooks Poppleton. His grandfather, Samuel Poppleton, was an ensign in the Revolutionary army, who was present at Ticonderoga and Saratoga and took part in Arnold's expedition to Quebec. Mr. Poppleton's education was obtained in the district schools in his native county, at Romeo academy, Michigan university, and Union college, from which he graduated in 1851. He was admitted to the bar at Detroit, Michigan, October 2, 1852. Mr. Poppleton came to Omaha, October 13, 1854. He took an important part in the organization of the territorial government, and was a member of the 1st and 3d territorial assemblies and was chosen speaker of the latter. In 1858 he was elected mayor of Omaha. Mr. Poppleton was one of the leaders of the Democratic party in Nebraska, and on the admission of the state he and J. Sterling Morton received the unanimous support of the democrats in the legislature for the two United States senatorships. In 1858 he suffered a serious illness which incapacitated him for several years. During the last sixteen years of his life he was afflicted, at first with partial and later with complete blindness. Notwithstanding these serious handicaps his success in his profession was very marked. From 1863 to 1888, when partial blindness compelled him to retire, he was the general attorney of the Union Pacific railway company, having charge of all the company's business west of the Mississippi river. He argued many important cases in the Supreme Court of the United States, and was recognized throughout the country as one of the foremost lawyers of the West. Mr. Poppleton invested much of his surplus earnings in the purchase and improvement of Omaha and Douglas county real estate, and acquired a large fortune. In 1878 he received the honorary degree of doctor of laws from Nebraska university. In 1890 he was elected a trustee of Union college. In 1895 he received the honorary degree of master of arts from Michigan university. Mr. Poppleton was married December 2, 1855, to Miss Caroline L. Sears, by whom he had four children, of whom three, Mrs. W. C. Shannon, Mrs. Myron L. Learned, and Mr. William S. Poppleton are now living.

[3] James S. Stewart, representing Douglas county in the house of the 4th and 5th territorial assemblies, was an Omaha lawyer and a partner of John H. Sahler.

[4] Dr. A. F. Cromwell was the first physician in Pawnee county, settling at Pleasant Valley with his family in 1855. He represented Richardson and Pawnee counties in the 3d and 4th territorial assemblies.

[5] Edward C. Jones, member of the house in the fourth session of the territorial assembly of Nebraska territory, representing Cedar, Dakota, and L'eau-qui-court counties, second son of James and Ellen Jones, was born in county West Meath, Ireland, October 9, 1832, and emigrated with his parents to America in 1836. He was educated in Ellicottsville, Cattaraugus county, New York, and removed to Iowa in 1853. In 1855, in company with Rev. Jeremiah Tracy, John J. Tracy, Herman, and others, he made his first trip to Nebraska. The party took claims for themselves and relatives in Dakota county and returned to Garry Owen, Iowa. In the spring of 1856 a party started from Garry Owen under the guidance of Father Tracy and Mr. Jones, to cross the then trackless wilderness of central and western Iowa, and, after a toilsome journey of seven weeks, reached the Missouri river near the present site of Sioux City. The weather was bad and there were no bridges, but substitutes were provided by the ready skill of the guides. The entire party of forty families and their outfits



John S. Bowen

ick[1] of Nemaha and Johnson; and Van Horn[2] of Cass county—remained in Omaha, unable to do business, being no quorum, until January 16, the end of the regular forty days. Presumably all the rest of the members went to Florence; but since the validity of the acts of the Florence session was denied at the time, and was not afterward recognized, no official record of them was preserved. But the Florence seceders, having a quorum, kept busy until the expiration of the forty days, and among the acts they passed were a criminal code, a homestead exemption law, a law setting off the north part of Douglas county—that is, Florence—into a separate election district, and a law for the relocation of the capital. The capital act named S. F. Nuckolls of Otoe, W. D. McCord[3] of Cass, John Finney of Sarpy, and Elisha N. Hamilton of Washington as commissioners to choose the new location, which was to be within a district six miles wide on either the north or the south side of the Platte river, and between the guide meridian—the present west boundary of Cass, Johnson, Otoe, and Pawnee counties—on the east, and the sixth meridian—the present west boundary of Jefferson, Saline, Seward, and Butler counties—on the west. The bill provided that the entire town site should belong to the territory and for the sale of one-third of it the first year, by the commissioners, from the proceeds of which the necessary buildings were to be constructed. There is no explanation as to how the commissioners were to obtain title to the site which belonged to the public domain.[4]

We should be very thankful that the impracticability of the whole scheme saved the territory, with its distinctively and exclusively local and western associations and traditions, from the infliction of the far-fetched foreign name—specified in the act—Neapolis;[5] and we should also feel a half-hearted thankfulness that the political bias of those who finally named the capital of the state drew them half way toward their high privi-

were ferried across the Des Moines river, without loss to any one, by means of a wagon box made water tight. Edward Jones settled at once on his claim in Dakota county, and in 1857 was elected to the legislature at the first election held in Dakota county. He also served two years in the Union army. Mr. Jones was one of quite a prominent and numerous family. His eldest brother, Patrick Jones, a lawyer in New York city, was a lieutenant in the 17th New York regiment in the Civil war, and was made a brigadier-general. He served as county clerk in New York, was postmaster for two terms under President Grant, and died there in May, 1900. Those of the Jones family now surviving who settled in Dakota county with the original colony under Father Tracy are Thomas Jones, who lives on the old Jones homestead; Catherine, widow of the late Patrick Twohig, Goodwin, Nebraska; Mary Jones, married James McHenry and resides at Plainview, Nebraska; Ellen Jones, married John Boler of Jackson, Dakota county; and Richard Jones, removed to Texas. On account of failing health, Mr. Jones was obliged to spend his later years in the South, and died at Neblette Landing, Bolivar county, Mississippi, April 13, 1880, of pneumonia.

[1] John S. Minick was one of the incorporators of the Nemaha county agricultural society, incorporated by act of the territorial legislature, February 9, 1857, and was elected president of the board September 12, 1857. He was for a number of years a merchant at Nemaha City and at Aspinwall and was in business at the former place as late as 1885. He was an active worker in the Good Templar organization. According to the Brownville *Advertiser*, Mr. Minick has his entire claim of 160 acres fenced and under cultivation in June, 1857, fourteen months after he had located upon it.

[2] Joseph Van Horn, representing Cass county in the lower house of the 4th territorial assembly, came to Nebraska from Green county, Ohio.

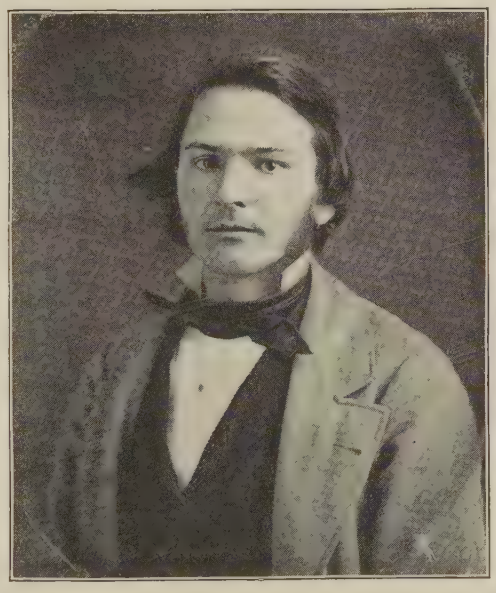
[3] William D. McCord was the third sheriff of Cass county, serving from 1857 to 1861. He was general manager of the Cass County Agricultural Society, organized in 1857. He was commissioned by Governor Alvin Saunders as major, and later promoted to the position of lieutenant-colonel of the 1st regiment of Nebraska veteran volunteer infantry, and resigned April 22, 1862.

[4] See Bellevue *Gazette*, January 21, 1858, and the Nebraska *Advertiser*, February 4, 1858.

[5] A correspondent of the Pacific City (Iowa) *Enterprise* of July 23, 1857, gives a glowing account of the prospects of Neapolis. He states that a railway company has just been organized to build a line up the Platte valley from Plattsmouth to Cedar Bluffs, and that a great inducement to settlement in the new Neapolis is the fact that the late session of the legislature passed a bill for the relocation of the capital, so that it might be placed on a natural site near the terminus of the road. He describes the site as follows: "On the other side [south side of the Platte river] about sixty miles from the Missouri river, the high plains reach to the Platte with an almost imperceptible slope, the most elevated land being not more than sixty feet. In the above named vicinity, within half a mile of the river, is a beautiful elevation that appears more like an artificial mound than a work of nature. This elevation rises gently from all sides to a height of about forty feet above the level of the valley, and on the top is a flat surface embracing five or six acres, which really seems as if nature had fixed that mound for the capital buildings of the territory." The correspondent notes that extensive improvements had already been made in the vicinity.

lege and plain duty in this respect. But poetical and political justice would have named the capital Douglas.

The house broke up on the 7th of January in a typical frontier row, in which trespass on the prohibitory law cut an important figure. The Omaha minority were talking against time on a minor question, in committee of the whole, and Poppleton had the floor, when Decker, the speaker, who had been out about the town, returned, and finding that there was no quorum, interfered, and insisted on resuming the chair. Morton, the chairman of the committee of the whole, ruled that the point of no quorum could not be raised while a member held the floor. Afterward Mr. Thrall of Omaha took the chair, and a message from the council was announced. Poppleton made the point that under the rules this message could not be received, as the council was not in session at the time; but Decker insisted that the message should be received then and there, and attempted forcibly to take the chair, when Murphy and Paddock, Omaha members, dragged him away, and then A. J. Hanscom, a very strenuous lobby member, rolled Decker under a table. Finally the speaker left the hall, Morton was elected temporary speaker, and the house adjourned.[1] The next morning Decker took the chair as usual, but on motion of Donelan of Cass county the house adjourned to meet in Florence the next day. In the council on the same morning—January 8—Reeves of Otoe moved an adjournment to meet at Florence on the 9th. The president, Dr. Miller, refused to entertain the motion, whereupon Reeves himself stated it, and it was carried by a vote of 8 to 2, Furnas and McDonald voting in the negative. In this miniature secession Mr. Furnas took about the same position as many southern leaders were soon to take, when, after opposing dismemberment, they at last went out with their states. Furnas opposed secession, but went with the majority.



ROBERT W. FURNAS
From an unpublished daguerreotype taken in 1855

Though the Omaha rump had the executive, or federal part of the government on its side, and by virtue of this advantage controlled the official records and gained its object in practical results, the majority, or seceders, had the best of it before the people, because, outside of Omaha, the press was on

"Houses are being erected, prairie broken, preparatory to opening farms, and settlers are flocking in rapidly. A steam sawmill is in successful operation, having already cut out and sawed some 70,000 feet of oak and walnut lumber, and the appearance of things generally would lead one to suppose that the day is not far distant when Neapolis will be called the 'Queen City' of Nebraska." Mr. J. J. Hawthorne, of Fremont, Nebraska, remembers that about this time a party of men from Plattsmouth established a sawmill on the south side of the Platte, three or four miles southwest of Fremont, where they "sawed much of the best of the walnut and oak" into lumber, which they unsuccessfully attempted to float down the river in the form of a raft. Mr. Hawthorne believes that these men were the projectors of Neapolis, and his account seems to agree substantially with that of the correspondent here quoted.

[1] "747 Mt. Hope Road, CINCINNATI, O.
"May 19, 1904.

"*Mr. C. S. Paine, Lincoln, Neb.:*

"DEAR SIR—I am in receipt of your letter of the 13th inst. and thank you for the courtesy of desiring a photograph of myself and such data as would make a creditable sketch of my career while a resident of the territory of Nebraska.

"I arrived in Omaha in the month of October, 1856, crossing the Missouri river from Council Bluffs in the first fall of snow of that winter, and took up my quarters in the Hamilton House, the only brick hotel in the young city, kept by mine host, H. M. Judson. On demanding a room from the landlord I was notified that I should be accommodated, and, as I had been four or five days in a stage coach coming from Iowa City, I requested that the porter be ordered to carry my trunk to my room at once, that I might make a change of

their side—with the exception of the Nebraska City *News,* now edited, nominally at least, by Milton Reynolds. The *News* took both sides. Through the evident influence of Morton it condemned the secession; but it also promptly took advantage of the opportunity to again urge Morton's original scheme for annexation of the South Platte to Kansas. Perhaps a more definite illustration of the general anti-Omaha sentiment is contained in the statement of the *News*[1] that "eleven out of the thirteen papers in the territory (the two re-

clothing. The genial landlord nodded his head and said certainly, and to my surprise stepped out upon the sidewalk, shouldered my trunk, and asked me to follow him up the stairs. We landed in a room fifty feet long by thirty feet wide with twenty cots numbered from one upward. At the foot of cot No. 12 he laid my trunk and asked me if I would have breakfast. Let me say this introduction to the realities of the frontier was a lesson that prepared me for the actualities I subsequently experienced.

"The following day I noticed a portly gentleman in the barroom of the hotel, who in looking over the register discovered my name, and introducing himself as Mr. A. J. Hanscom, welcomed me to the territory. He then politely invited me to walk a little distance to the polls, saying that he desired to have me vote as the election for the members of the legislature and county offices was then being held. I expressed my surprise that he should wish a stranger of only one night's residence to exercise the rights of citizenship. He replied, 'One day's residence is as good as a year here, for everybody votes.'

"After a week's prospecting I decided to hang out my shingle as a physician and surgeon, and make my bid for a share of the practice of my profession.

"The year 1857 was made memorable by a financial panic that can never be forgotten during the memory of any matured man of that year. The depression of values was so great that town lots that sold for $100 a front foot a year before could be bought for $10. Business became stagnant and money so scarce that an exodus from the territory followed which retarded the growth of the city for many years.

"In the winter of 1857 I had the honor to be one of seven representatives of Douglas county in the legislature. Andrew J. Poppleton, George Armstrong, and 'Mike' Murphy were among my colleagues in the house as well as J. Sterling Morton of Otoe county, while in the council I remember my old friend, Dr. George L. Miller. During that forty days' session the conspiracy to remove the capital from Omaha to some South Platte locality became the exciting topic. The representatives from Douglas county were expected by the citizens of Omaha to prevent such a calamity, and negotiations were set on foot to compromise and prevent such removal by conceding to North and South Platte members any and every measure that was wanted by our votes if the scheme could be dropped. Our negotiations resulted in a contract with a majority of the members of the house, and we, faithful to our agreement, voted for every franchise, bank charter, or other privilege until they had secured all that they required. Nine days before the end of the forty-day session, to our utter amazement, notice was given of the introduction of a bill for the removal of the capital. Of course this created consternation among the citizens of Omaha and indignation among the members from Douglas county, and the few allies from other parts of the territory who had stood by us, among whom was our friend, J. Sterling Morton.

"We held a caucus that night and discussed the situation. The first business in order the next day was the consideration in committee of the whole of two reports from the standing committee on printing. The problem with us was, 'Who would be called to the chair in committee of the whole?' If one of our number, it was then agreed that we would hold the floor in discussion the balance of the session, namely, eight days. It so happened that Speaker Decker called me to the chair, and immediately A. J. Poppleton was recognized and commenced a speech, which, by agreement, was to continue until he was exhausted, when, by a signal, No. 2 was to rise to his feet and ask to interrupt him, whereupon Poppleton would sit down and No. 2 continue to the point of exhaustion, and so on. By 1:00 o'clock that day our opponents discovered our purpose and one by one quietly withdrew, leaving our little minority of fourteen in full possession of the house, and themselves went into caucus, and resolved to return to the house at 3:00 P.M. and have the sergeant-at-arms of the council present at the bar of the house a 'message from the council,' and that then Speaker Decker would resume the speaker's chair, receive the message, and then refuse to vacate it.

"We had a spy in their caucus, and thirty minutes before the return of our opponents to their seats we were made aware of their program. In the meantime the lobby was crowded to overflowing, intense excitement prevailed, and riotous proceedings were expected. When the sergeant-at-arms announced his message, the speaker arose, advanced up the aisle, and commenced to ascend the steps of the speaker's stand, and finally grasped the gavel in my hand, whereupon citizen Hanscom, who was sitting upon the stairs at my right, grasped the speaker and, lifting him off his feet, hurled him into the body of the house. The lobby leaped over the railings, and one by one the conspirators were conducted out of the capitol, leaving the fourteen minority in possession, with none to molest or make afraid. That night our opponents caucused and resolved to adjourn to Florence and organize the legislature in that town. This they did, taking with them the officers, clerks, and sergeant-at-arms, and proceeded to pass laws, among which was one removing the capital from Omaha.

"The supreme court subsequently declared all of their acts illegal, as they had not been enacted at the capital.

"In the month of October, 1858, I removed to Keokuk, Iowa, where I resumed my professional labors. I am, very truly yours,

"W. R. THRALL."

[The statement by Dr. Thrall that the question of the validity of the enactments of the Florence legislature was tested in the territorial supreme court is incorrect; but, as hereinafter stated, Experience Estabrook, United States attorney of the territory, at the request of Secretary J. Sterling Morton, gave a written opinion which denied the validity of the legislation in question.—Ed.]

[1] January 16, 1858.

maining being owned by Chapman) have, week after week, since the election, expressed their preference for Ferguson"—in the contest over the congressional election.[1]

On the 15th of January, in response to a request by J. Sterling Morton, Attorney General Estabrook gave a written opinion as to the validity of acts passed by the Florence

[1]The following correspondence took place between the Florence legislature and the executive office. It is charitable, and probably just to the honorable authors of these fulmations, to suggest that their bungled composition may be quite largely due to the bungling printers of that time:

"After a majority of the members of both Houses had agreed to adjourn to Florence, an application was made to Acting Governor T. B. Cuming for the journals and papers belonging to the respective Houses, as follows:

"Be it resolved by the Council and House of Representatives of the territory of Nebraska, that a joint committee, to be composed of one member of the Council and two members of the House of Representatives, be appointed to wait upon his excellency, the governor, and inform him that the journals, bills and papers belonging to the legislature have been placed by persons, without its sanction, beyond the control of their respective bodies, and that amongst them are several bills of great importance to the welfare of the territory, now nearly perfected, among which is an act providing the criminal code, a homestead bill, a revenue bill, a fee bill, and various other bills, which may become laws if legitimate legislation be not farther interrupted by the illegal acts of irresponsible persons who are in possession of such bills, journals and other papers, and that, therefore, he be respectfully requested to issue an order, and to enforce the same for the immediate delivery of such papers to said committee for the legislature.

"J. H. Decker,
*"Speaker of the House of Representatives,*
"Leavitt L. Bowen,
*"President of the Council."*

To which the governor replied:

"Executive Office, N. T.
"Omaha, Jan. 9, 1858.

*"Messrs. Reeves, Hail and Taggart:*

"Gentlemen:—I have received from you a communication purporting to be a resolution of the Council and House of Representatives of the territory of Nebraska.

"The general assembly of the territory is now in session, according to law, at Omaha City, the seat of government, where the executive office is required to be kept, and where the public documents and records must be preserved. The communication furnished by you is not from that body, but was sent from the town of Florence, to which place a portion of the members of each House have adjourned.

"My conviction under the law and facts are [is] clear—that no act of such recusant members can be legal. Under such circumstances any communication from them, as a legislative body, will not require official attention from this department.

*"Respectfully,*
"T. B. Cuming,
*"Acting Governor of Nebraska."*

On the 11th day of January, 1858, Messrs. Bowen, Campbell, and Donelan were appointed a committee to wait upon Governor Richardson, who had arrived at Omaha, and present the following communication:

"Be it resolved by the Council and House of Representatives of the territory of Nebraska that

"Whereas, it is understood that His Excellency, the governor of the territory, the Hon. William A. Richardson, has arrived at Omaha City, then be it

"Resolved, that a joint committee, consisting of one member of the Council and two of the House, be appointed to wait upon his Excellency, and inform him that the Council and House of Representatives of the territory of Nebraska are now in session at Florence, having been forced to adjourn to that, the nearest place of safety, by the disorganizing and turbulent acts of a minority of their own body, aided by the violence of an unrestrained mob at Omaha, causing a well-grounded apprehension as to the personal safety of the majority, and requesting his Excellency to communicate with the legislature at this place, at his earliest convenience."

Governor Richardson's reply, after acknowledging the receipt of the above communication (House Journal, 4th Sess., pp. 171–74), continued:

. . . "I deem it my duty, under existing circumstances, as an act of courtesy from me to you as members of the legislative assembly of Nebraska, to state frankly that looking at the question as a mere legal one, I cannot recognize that portion of the members of the legislature now assembled at Florence as the Council and House of Representatives of this territory.

"By reference to the organic act, sec. 13, it will be seen that the power to locate and establish the seat of government is conferred upon the 'governor and legislative assembly.' Under that authority Omaha City, . . . must, then, continue to be the only legal place of holding the sessions of the legislature, unless some other place is fixed upon by the joint action of the 'governor and legislative assembly.'

"I have been unable to find any enactment upon the statute books of the territory making such change, and in its absence the legislature can only transact its business legally at Omaha City, Douglas county. But, should it be insisted that this change is but temporary, and not designed as a removal of the seat of government, even then, if I have been properly informed, the proceeding is not authorized by law. I understand the following to be the facts:

"The House of Representatives, without reference to the action of the Council, or the approval of the governor, upon a mere motion, adjourned to meet at the same place. If, now, I should recognize the meeting at Florence as the legislative assembly of the territory, what is the doctrine which I endorse? Is it not that either branch of the legislature, without the concurrent action of the other, has power to adjourn to meet at any place it may select, a doctrine the establishment of which might, at some future day, present the strange spectacle of a Council at one place, the House at another, and the executive at still another.

"I cannot endorse a doctrine from the operation of which such consequences might result.

"Without inquiring into, or expressing an opinion upon transactions said to have taken place prior to my arrival in the territory, I deem it sufficient for me to say that at the capitol is the place of your right and your duty as legislators, and having

legislature, in which he correctly held that the seat of government clearly had not been removed from Omaha, and that therefore the only question was as to the power of the legislature to conduct business at any other place than the seat of government. His contention for the negative was lame, and perhaps, from the nature of the case, necessarily, inconclusive. Considering the almost unlimited inherent powers of legislative bodies such as this—not being restrained by a constitution—and the weighty practical reasons for the adjournment to Florence and the urgent need of legislation, the Florence majority had the stronger argument, unless it could be met by contrary adjudication by the courts. This the

entered upon the discharge of the functions of the executive office, I am prepared to guarantee that no act of violence by any man or set of men will be perpetrated upon the rights or persons of members of the legislature while in the discharge of their duties as such. The fullest and most ample protection is warranted to freedom in discussion and independence in action.

"The public necessity requires that the legislature should proceed to business and perform its appropriate duties. It would be exceedingly gratifying, therefore, to me, if you would return to the capitol, accept the protection which it is my duty and pleasure to tender to the Representatives of the people, and, by just and needful legislation relieve the citizens of the territory from the apprehension of being left for another year without sufficient laws for that absolute protection which is guaranteed by the constitution of the United States.

"I scarcely need add, gentlemen, that no one regrets as sincerely as I do the necessity which compels me, upon the first assumption of the duties of my office, to differ with a majority of the members of the legislative assembly; nothing but a conviction so clear as to leave no doubt upon my mind, would induce me to take upon myself so great a responsibility; but when the line of duty is so plainly marked, I should be faithless to the trust confided to me if I should for a moment falter or hesitate.

"I have the honor to be, gentlemen,
"your obedient servant,
"W. A. RICHARDSON."

The legislative committee in question made the following reply to Governor Richardson's communication, which, however, was excluded from the official record:

"Legislative Hall,
"January 14, 1858.

"*To His Excellency, William A. Richardson.*

"Sir:—We have the honor of being in receipt of your communication of the 12th inst.

"Respect for the high office which you hold, as well as justice to ourselves, demand[s] a reply.

"The candor and frankness of your communication we anticipated from one whose name is part of the history of our great west. The same candor and frankness in our reply will, we feel assured, not prove offensive.

"Acquainted as you are with the genius of our government; experienced as you are in matters of legislation; devoted as has been so large a portion of your life to making laws for your country; we deem [it] necessary to urge upon your excellency how vitally important it is to the happiness and well-being of any people that those whom they may choose to make the laws under which they are to live, should be uninfluenced by any intruding outside pressure—free to act and vote according to the dictates of their own judgment and the known wants and wishes of their constituents.

"Among the many safeguards erected in our country to secure the happiness of the people, we know of none more important to possess; none in the overthrow of which more mischief would result. Without it the people have no assurance of laws such as they desire, and our government virtually becomes an oligarchy, the mob few controlling the moderate many.

"We submit a case in point.

"The legislature meet and organize at the place appointed by law. They proceed to legislate upon some subject, in itself a legitimate matter of legislative action.—The bill is obnoxious to the few immediately surrounding their locality but demanded by the wishes of the great majority of the people, as made known by a majority of their representatives. A few become violent and threatening. Legislative action is no longer free. Votes are cast, not in accordance with the dictates of reason or the known wishes of constituents, but with reference to the views of an excited lobby and threatening intruders within their bar, winked at by a sympathizing executive.

"What course is to be taken?

"Three suggest themselves.

"1st, To withdraw the bill producing the excitement. To do this is to allow the will of the few to triumph over the will of the many; the minority to triumph over the rights of the majority—a course, we suggest to your excellency, seldom adopted by American freemen.

"2nd, For the majority to remain and maintain their rights by opposing force with force, a course which every true lover of his country hesitates long before adopting, as it would give to our Territory [history], as it has given to the history of our sister territory, a story of blood.

"3rd, To temporarily remove to some other place where their action would be free and untrammeled; where a majority of the legislature might carry out the wishes of the people. Under similar circumstances, this was the course which a majority of the Nebraska legislature deemed best to take, and upon their power to do so, we wish in all frankness and candor to express our views.

"The legislature once having met and organized at the seat of government, we know of no law, either organic or special, prohibiting them either directly or by inference, from temporarily adjourning to some other place, should their safety demand it. There being no law to the contrary, their power to so adjourn follows in due order of sequence, from first and fundamental principles. The necessity that legislative action should be free, and the right of the people so to demand it, and we hesitate not in saying that any law depriving them of such power would be unwise in the extreme and fraught with infinite mischief.

"Having the power to so adjourn, we submit that they are the sole and exclusive judges of the necessity demanding it, we hold that it is not com-

attorney general attempted to do with a result negatively damaging to his side of the case; for the only authority he cited was that of the obscure territorial court of Oregon, and the decision evidently turned upon a different point from that held to be the issue in the Nebraska case, though he quoted two of the judges as deciding, incidentally at least, that the legislature could pass valid laws only at the regular seat of government.

Governor Richardson having refused to sign the acts of the Florence assembly, a controversy arose as to whether he had returned them to the legislature, with his objections, according to the provisions of the organic act, so as to require their passage again by a two-thirds majority. The following statement of Mr. Reeves, member of the council from Otoe county, apparently settles the question in the negative:

petent for either the executive or judicial department to pass upon and decide the amount of violence either threatened or actually necessary to intimidate this or that member, and thus render an adjournment to some other place imperative.

"The connection of the executive with the legislative department is for specific purposes, and for those who are acquainted with the past history of our territory it is not difficult to understand that to make the power of the legislature to adjourn dependent on the approval of the executive might be to place the dearest rights of the people at the mercy of a single man, sympathizing with the few trampling these rights under foot.

"With these views we did not deem it necessary to consult the then executive in regard to our adjournment on the 8th inst.

"To that portion of your excellency's communication in which you speak of the capital having been located at Omaha City, in the county of Douglas, and of the concurrent action of the governor and of the legislative assembly being required to remove it, we need not reply at length, as the legislative assembly now in session at Florence has never assumed that the seat of government of our territory had been removed to that place, but have only claimed the right of the legislature convened at the seat of government to adjourn for good causes to some other place, and there proceed to discharge its legitimate function.

"In regard to our mode of adjournment, which you question, we would say that we have been unable to find any provision in our organic act or elsewhere requiring that it should be by joint resolution; and we look upon the absence of any such provision in the organic act as proof of the wisdom and the foresight of its framers and supporters, among whom we take great pleasure in remembering that your excellency was not the least prominent.

"The same circumstances which made our adjournment imperative might, as in our case, render an adjournment by joint resolution impossible.

"*Editor News:*

"In your paper of the 13th is an article which needs a passing notice, for the purpose of 'vindicating the truth of history.'

"In the article alluded to I find the following language:

"'But the governor says he distinctly refused to recognize them (the bills passed at Florence, I presume) and upon the back of each document wrote as follows: "This paper was left in my room on yesterday, Jan. 13, 1858, after I had refused to receive it. I neither veto nor approve it; but respectfully return it.

"'"Jan. 14, 1858. W. A. RICHARDSON."'

"Now as I was a member of the enrolling committee of the Council I wish to state the facts in relation to the presentation of those Florence bills to the governor, and let the people judge how they were 'received,' and who is at fault that we are now suffering the want of just and equitable laws for the protection of life and property and the administration of justice.

Such a mode of adjournment, being in effect to thwart the mob in their opposition, would in every conceivable case meet with the same resistance as the matter which originally incited it.

"The action of the Council and House of Representatives, in the adjournment to this place, was, in all but a technical sense, concurrent. The House being called together at 9 o'clock A. M., adjourned to meet at Florence at 10 o'clock A. M. next day. The Council meeting at 10 o'clock A. M.—when the fact of the adjournment of the House to the time and place was notorious both in and out of the Council—had its journal read and proceeded regularly in the order of business and upon motion adjourned to the same time and place.

"It only remains to say, in further proof of the concurrent action of the two Houses, that they both met at the time and place fixed upon in the adjournment, and at once entered reciprocally upon their legitimate duties in the enacting of useful and necessary laws for the welfare of the people of the territory.

"Your excellency suggests the strange spectacle of a Council in one place, the House in another, and the Executive in still another, as being a possible operation of the power which we claim; with all due deference to the opinion of your excellency, we do not think that recognizing the majority of both Houses adjourned to a place other than the seat of government, as the legislative assembly, would, as of course, compel you to recognize them as such if scattered at different places over the territory.

"We are free to admit that such a state of facts would in all probability leave the territory without any legislative assembly capable of making laws.

"Being a separate and distinct branch of our government—having the power to adjourn to another place, and being sole and exclusive judges of the necessity demanding it—we protest against any assumption of power over us, such as is claimed by the executive branch of our government; and it being our exclusive province to make the law, we

REV JOHN MILLER TAGGART

"The committee on enrolled bills in the Council was composed of Mr. Allen and myself. In the House it was composed of Messrs. Taggart,[1] Hail and Abbe.

"On the 13th of January, Mr. Taggart, Mr. Hail, and myself waited on the governor, at his room in the Hamilton House, and presented him all the bills passed previous to that date at Florence, except one which was presented to him by Mr. Abbe on the same day, but at a later hour. I made a memorandum of what transpired at our interview with the governor, from which the following is an extract, and will be certified to as truth by every member of the committee:

" 'The governor was notified by Mr. Allen, immediately after our introduction to him, that we were the enrolling committees of both branches of the legislature. The bills which originated in the Council were in one bundle, and were presented to him by Mr. Allen; and the bills which originated in the House, were in a separate bundle and were presented by Mr. Taggart. The governor took the bills from out of our hands and observed that he should take no action on them. When reminded by me that the legislature would consider them laws if not returned within three days, and being asked whether in that case he would file them in the secretary's office, he answered that it was a matter which required consideration.'

"After mature 'consideration' the governor concluded that the papers were 'left at his room after he had refused to receive them, and that he would respectfully return them.' But how did he return them? and to whom? Certainly not to the House in which they originated nor to either House separately; nor to both Houses jointly. They were never returned to the legislature at all, and were never before that body or either branch of it, after their presentation to the governor.

"The 'respectful return' was made as follows:

"On the night of the 14th of January, about 9 o'clock, while some half dozen members of the legislature and others were sitting around a table in the parlor of the Willett House, some reading, and others writing, Mr. Howard, the governor's private secretary, stepped into the room and threw down a large package, remarking: 'Gentlemen, the governor has sent your bills back.'

"Now with these facts before him, who can believe that the governor 'refused to receive them and respectfully returned them.?'

"As stated before, I wish the facts to go before the people and let them form their own conclusions. Had the governor recognized the acts of the legislature, we would now have in force all the laws, except one mentioned in your paper of the 6th, as being necessary for the prosperity of the country;

demand from those who decide and execute the law, the recognition of our acts as emanating from the law-making power of the land—the legislative assembly of the territory of Nebraska.

"We regret with you the unhappy state of affairs in which you find our territory, but we regret it as men who have had an unwelcome course of action forced upon them.

"In conclusion, permit us to say that however much we may differ from your excellency as to who and where is the legislative assembly of our territory, we all agree as to the executive, and cordially unite in assuring him of our distinguished consideration.

LEAVITT L. BOWEN,
"JOHN C. CAMPBELL,
"E. A. DONELAN,

*"Joint Committee of the Council and House of Representatives."*

—(Bellevue *Gazette*, January 21, 1858.)

[1] John Miller Taggart, pioneer Baptist preacher of Nebraska, was born near Philadelphia, Pennsylvania, November 17, 1817, and died at Colorado Springs, Colorado, May 17, 1887. He was of Scotch-Irish descent, and in his nature combined the rugged pertinacity of the Scotch and the keen and unfailing sense of humor of the Irish. He received his early education in the common schools of Philadelphia, where he spent the first twenty years of his life. He learned the trade of a stone cutter, also became an architect. He was licensed to preach by the Baptist church at Bloomfield, Kentucky, in 1843, and ordained December 27, 1845. He was married at Sunbury, Ohio, November 14, 1843, to Miss Aimee Myers, and they removed to Jacksonville, Illinois, where Mr. Taggart had accepted the position of architect and superintendent of the deaf mute asylum buildings at that place, and while there he preached for many weak churches near the city. He first visited Nebraska in 1855, and the following year brought his family from Jacksonville, Illinois, to the new territory, the trip being made in a carriage. He lived at Fontenelle for several years, doing missionary work both north and south of the Platte. As pastor of several churches at different times, he did much for the development of the educational and religious interests of the territory and state. His principal points of labor in Nebraska were Fontenelle, Nebraska City, Blair, Palmyra, and Gibbon. Throughout all the trials and privations of pioneer life with its financial panics and crop failures, Mr. Taggart never lost faith in the future of Nebraska. January 1, 1860, he delivered a lecture at Fontenelle which was remarkable for its prophetic utterances, the fulfilment of which mostly came during his own lifetime. This address is a part of the collections of the Nebraska State Historical Society. He was a member of the lower house of the 4th legislative assembly representing Douglas county, and took a prominent part in the stirring events of that session. Mr. Taggart was president of the Baptist state convention for many years and from the first occupied a prominent place in the work of that denomination. He was, at one time, asked to consent to stand as a candidate for United States sena-

for such acts were among those presented to the governor. It is believed by many eminent jurists that these acts are laws; but if they are not it is no fault of the legislative branch of the government.

"But if it is necessary to cure all doubt that an extra session be called is it necessary that the majority will stultify themselves by making 'promises' and 'pledges' to the governor in advance? Is it expected that they will surrender the rights of the people for the inestimable privilege of returning to Omaha to be insulted and cheated out of their rights? I can hardly think that the governor would require such promises, but if he should, I for one will never make them. I am ready to pledge myself to the people and obey their behests; but I owe allegiance to no other power.

"I am willing to return to the capitol and labor faithfully, earnestly and peaceably for the enactment of all laws which are calculated to promote the prosperity of Nebraska and the happiness of her people; but I must be free and untrammelled, save by the voice of my constituents.

"Thus, Mr. Editor, I have answered for myself your question, 'Shall we have an extra session?' "[1]

The net product of the Omaha rump of the legislature is in itself a very concise illustration of how Cuming's skill in making things go and come his way had overreached itself. Only two very brief general laws were passed—one abolishing the use of private seals, the other providing that hereafter the legislature should meet on the first Monday in January. Even the list of incorporations and territorial roads acts was relatively meager, and besides this, the sole accomplishment of the session was four inconsequential private acts and two joint memorials to Congress—one praying for the establishment of a daily mail service from Iowa City, Iowa, to Omaha, and the other for the "division of the present surveying district of Kansas and Nebraska and the erection of a new district for this territory."[2]

Our novelists are now the makers or the expounders of our social philosophy; and it is a pity that the philosophy of George Eliot and Thomas Hardy, which teaches us not merely that it is better to attempt and fail than not to attempt at all, but that the virtue lies in the resolute purpose, so that often failure may even be better than accomplishment, was not then available for the consolation of the Omaha rump. The then budding "Sage of Arbor Lodge," perhaps unconsciously, gives point to this philosophy in the following inventory of residuary conditions, which is perhaps no less truthful than picturesque. Though Morton was not then the editor of the *News,* the piquant paragraph bears plainly his image and superscription: "The last legislature adjourned in a row, left, departed this

tor, being assured of election, but he declined, and with the same spirit of humility, he refused the degree of D. D. several times tendered him. Palmyra, Otoe county, was the scene of his labors for many years before his death, and there he was buried, leaving an honored name and a record for good deeds. His widow survives him, as does one son, Robert M. Taggart of Lincoln, Nebraska, and four daughters: Miss Mary Taggart, Colorado Springs, Colorado; Mrs. F. W. Kenney, Blair, Nebraska; Mrs. W. S. White, South Omaha; and Mrs. A. W. Clark, Omaha.

[1] Nebraska City *News,* February 20, 1858.

[2] The reasons set forth for the creation of the new district form an interesting statement of certain conditions in the territory:

"The great extent of the present district and the rapidity with which it is being settled renders it impossible for one office, with the force employed, to extend the surveys as rapidly as the settlements require and demand.

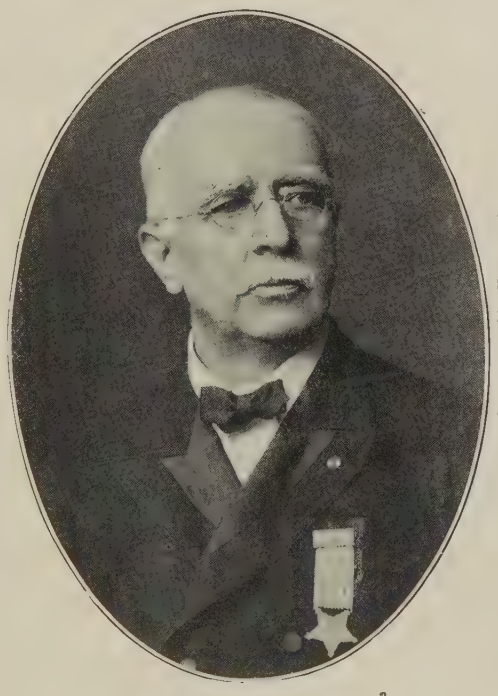
"The want of centrality of location of the present office, it being at Lecompton, in Kansas territory, in about the latitude 39 degrees north, whilst the surveying district extends nominally from latitude 37 degrees to latitude 49 degrees north, and really embraces within the present field of survey, from latitude 38 degrees to latitude 43 degrees north, extending only about seventy miles south, and nearly two hundred and eighty miles north of the present office, add to this the fact of the rapidly extending northern settlements in Nebraska, and you may well suppose that in less than one year from this date the field of survey will extend full four hundred miles north from the said office.

"To reach his work now from the surveyor general's office the northern deputy is compelled to make a tedious river voyage of from six hundred to eight hundred miles, subject to vexatious delays and an enormous expense, or he must perform a land journey of from four hundred to five hundred miles, occupying from twelve to twenty days' time, which, with a full field corps of men and animals, foots up a heavy bill of expense. Then, when the deputy has finished his work, he must perform the same journey to make his report, thus inevitably consuming in traveling expenses from one-sixth to one-third of all the proceeds—almost invariably more than the profits of his contract. . . .

"We particularly desire that your honorable body will duly consider the great advantage that will inure to the country by the proper extension of the government surveys completely in advance of the settlements."

life, miscellaneously and in a mixed manner, and left us no laws. The governor is absent, the secretary deceased. . . . We occasionally see the squatters in little squads, whispering among themselves in a wickedly malicious and mischievous manner that we are 'just as well off' now as we ever were."[1]

While men of more of that wisdom which comes only of experience than was possessed by those who comprised this 4th legislature would have avoided the foolhardy and, so far as its direct object was concerned, inevitably futile Florence revolution, yet, as may be said of most revolutions, its results were not all evil. For it precipitated unsettled public sentiment, and revealed to the pro-Omaha minority that the determined majority must be reckoned with in some other way than by bribery and coercion. It made both sides sufficiently tired of the disastrous controversy to permit an experienced, tactful, and masterful political leader to restore orderly conditions and supply necessary laws through a special session of the legislature. Governor Richardson arrived at the capital on the 10th of January, and he not only arrived just at the right time, but he was just the right man to arrive. He brought with him the two things needful, prestige and the impartiality of the outsider, strengthened by the insight of the astute politician. He assumed the office on the 12th of January, and the contrast of his fair and fatherly attitude with that of the youthful ardor of the aggressively sectional Cuming, whom he succeeded, was both sharp and reassuring. Furthermore, Richardson was the next friend of the great Douglas, the natural idol of the northwestern democracy who were beginning to love him the more on account of the ultra pro-slavery enemies he was making, and whom the politicians would propitiate because it was likely that he would be the next president. And so the tone of the press soon became quieter, its insistence upon the validity of the Florence laws was dropped, submission of the capital removal question to a popular vote—a squint at least toward compromise—was advocated, and finally there was general acquiescence in the proposal of a special session.



DR. WILLIAM R. THRALL[3]

The *Advertiser*[2] seems to have expressed the general sentiment in the territory on the subject as follows:

"Since the election, we see that our territorial papers are talking of an extra session of the legislature. We were informed before

[1] Nebraska City *News*, April 3, 1858.

[2] August 19, 1858.

[3] William Rockwell Thrall, son of William B. and Maria (Rockwell) Thrall, was born in Circleville, Ohio, November 22, 1829. His father, Judge Thrall, was for forty years an editor and publisher in Pickaway county, Ohio, and later the editor of the Ohio State *Journal* at Columbus, Ohio. He was the first comptroller of the treasury of the state of Ohio and died in 1873. Dr. Thrall was educated in the district schools until the age of fourteen, when he entered his father's office and spent five years as an apprentice to the printing business. He then spent two years in a high school, after which he commenced the study of medicine, graduating at the end of three years from the College of Physicians and Surgeons of New York. In the meantime his parents had removed to Columbus, Ohio, where Dr. Thrall began the practice of medicine. After one year in private practice he was appointed assistant physician of the Columbus insane asylum, resigning at the end of one year to enter service on the medical staff of the Russian army in the Crimean war, remaining two years and until peace was declared. Returning to his home in Ohio, he started west to find a permanent location, arriving in Omaha in 1856. He commenced the practice of medicine and was elected to the lower house of the 4th legislative assembly of Nebraska territory, taking a prominent part in the capital removal imbroglio of that session. In the winter of 1858 he removed to Keokuk, Iowa, and continued the prac-

James P. Beck

the election by what we considered reliable authority that Gov. Richardson had so decided. We, with those of our contemporaries who have spoken upon this subject, are decidedly in favor of the extra session being called at as early a day after the land sales as practicable. There are many reasons, we think, why this should be done. The simple fact that we are much in need of a criminal code and revenue law, which should go into immediate operation, is sumcient reason of itself, we think."

Between the Florence fiasco in the early part, and the special session in the latter part of the year 1858 occurred another event of great importance—the death of Secretary and Acting Governor Cuming,[1] at Omaha, on the 23d of March, and which opened the way for

tice of his profession until July, 1861, when he was appointed surgeon of the 27th regiment Ohio volunteer infantry, remaining with the regiment until the spring of 1863, when he resigned. His military career commenced actively in the Missouri campaign, under Frémont, thence to New Madrid and Island number 10, under General Pope, thence to Pittsburg Landing, and through the siege of Corinth under Halleck; then in the battle of Iuka and Corinth under General Rosecrans. Returning to Ohio, Dr. Thrall engaged in mercantile pursuits until the election of Rutherford B. Hayes as governor, when he became his private secretary and held the office for three years, resigning to accept an appointment as United States marshal of the southern district of Ohio. He held this office during the eight years of Grant's two terms as president, after which he was engaged in various branches of manufacturing and merchandizing. In 1901 he was elected surgeon-general of the G. A. R. for the United States, and was elected recorder of the Ohio commandery of the Loyal Legion of the United States in May, 1902; and was reelected in 1903 and 1904.

[1]The funeral of Governor Cuming at Omaha was a notable and imposing event for that period of sparse population and scanty sources of the trappings of pageantry; and he was especially fortunate in his eulogist. The formal funeral oration was delivered by James M. Woolworth, April 17, 1858. Making due allowance for the young orator's natural North Platte, or Omaha partiality or bias, he yet gave to the commonwealth, in this fine address, a very valuable sketch of the character and career of its first actual governor. Furthermore, the oration is remarkable for its rhetorical construction, its formal and stately style, showing the great influence of the dominant classical training of those days. This feature of the address has been modified, and its almost extravagant youthful warmth of expression is wanting in the writings and addresses of the seasoned lawyer and scholar of today, while its clean-cut diction abides as a characteristic of his style.

THE ORATION

"Mr. President, Ladies and Gentlemen—The tolling bell, the meeting of the citizens called to express a city's sorrow, the solemn announcement to the court, the judge on the bench, the juror in the box, the counsel at the bar turning from the business all undone, the soldier marching with slow and measured tread, with muffled drums and colors furled, and arms reversed, the public buildings draped in mourning, the public offices closed, business and labor all suspended, the flags at half mast, the minute guns, the lengthened process, unwhispered sympathies and sorrows, tearful eyes, sad, sad hearts,—what cause, what abundant cause, for all these tokens of public and private bereavement!

"Thomas B. Cuming dead! That form that passed and repassed before our eyes, daily, almost hourly, that mingled among us, made one of us on the street, in the office, at the public meeting, at the social gathering, ever present, ever welcome everywhere; so recently erect and proud and iron-bound, now prostrate, cold, dead. That countenance, set with the firmness of the ruler of a great country, yet varying with the varying emotions which chase each other through his mind, fixed now in the changeless expression of death. That eye that beamed ever with ardor and intelligence, and anon flashed lightning from its black depths with the kindlings of brilliant intellect, closed now forever. That voice which thrilled, and swayed, and commanded the public assembly, gasped its last words, silent now. Nerveless the hand that grasped a brother's cause so generously ever—ever as you, sir, or I, and how many others can testify. High ambitions, great promises, sanguine hopes—all shattered into dust. A people cut off from its leader, its stay, its hope. What cause, what abundant cause, for public and private sorrow!

"Thomas B. Cuming dead! Meet are all these signs of woe. A great 'man has gone to his long home and the mourners go about the streets.' Let the court be closed; he was the noblest of all its members. Let the soldier honor his memory; he was the most gallant of all this band. Let the public officers suspend the public business; he was the chief and ruler of them all. Let the banker close his vaults, the merchant his ledger, and let the mechanic and the laborer lay down his tools, and let a great people assemble in this common sorrow to mingle together their tears for one whose like we shall not see again. Let the long procession bear him to the capitol, lay him in the very penetralia of his country's temple; let the priest of his church say over him the solemn office of his burial chant, over the inanimate remains the sacred requiem of the dead. Let the people gather around him once more to look on those well known features for the last time. Yes, let her—alas for her whose heart breaks beneath the burden of its sorrow—let her gaze and gaze, and as those sad, sad words, 'Never again, never again,' break the awful silence, let every heart melt; then let the tears flow unchecked, unheeded in the common sorrow for the dead and sympathy for the living, and then lay him in the bosom of his own Nebraska, beloved forever; 'earth to earth, dust to dust, ashes to ashes.'

"And meet is it that your association, sir, should consecrate an hour to his memory. He was one of its projectors and founders. He contributed of the abundance of his learning and his eloquence to its success. He was on the list of lecturers for the course just ended. Even in his last days he consulted for its prosperity. And yet, sir, I could have wished you had found another to do this sad office to his memory; to teach you his virtues, to recite to your lasting profit the lessons of his life and of his death. And yet what need of words?

"Thomas B. Cuming dead! Perish from among men the great principle of popular sovereignty which

the appointment of J. Sterling Morton as secretary.

There are still surviving contemporaries of Governor Cuming who hold that he was the ablest of all Nebraskans, and the late Andrew J. Poppleton is quoted as having expressed that opinion; but this estimate is probably extravagant.

---

he vindicated and established here in stormy times, among enraged men who thirsted for his blood—which he vindicated and established here, as no one else could, by his own unaided arm, by his own resolute will; perish peace, prosperity, and progress, which by his wisdom and energy he established in the first days of the territory; once and forever perish the achievements of her progress, the home of the settler, the admiration of human heroism, the love of human benefactors; then, and not till then, let us say, Thomas B. Cuming dead!

"Governor Cuming was born in Genesee county, in the state of New York, on the 25th day of December, 1828. His father is the Rev. Dr. Cuming, of Grand Rapids, Michigan, an Episcopal clergyman of distinguished learning, eloquence, and piety. His mother died while he was yet a young child. He was then removed to Rochester, and placed in the family of the Rev. Dr. Penny, an uncle, at that time a distinguished Presbyterian divine, afterwards the president of Hamilton college. He was afterwards removed to the home of his father, in Michigan, under whose care he was prepared for college. In his boyhood Governor Cuming enjoyed a training of the highest character. His father instilled into his young mind with all a parent's anxiety and care those habits of laborious study, of thoroughly mastering whatever engaged his attention which eminently fitted him for the difficult positions to which he was destined. Especial care was had of his religious culture. Those elevated and severe doctrines which distinguished the higher school of the Episcopal church were early instilled into his young mind, and it is believed that through all the distracting scenes of his life, in the midst of the great temptations to easy, often sceptical notions which beset young and ardent minds in our day, he never ceased to revere the salutary teachings of his father and of the church.

"He entered the university of Michigan, at Ann Arbor, at a very early age. But young as he was he carried with him a familiar acquaintance with the Latin and Greek languages, a singular aptitude for their acquisition, and a native fondness for letters in general; and to these he added a devotion to study and an ambition to excel very uncommon at so early an age. He accordingly took a high standing as a scholar. In the classical and belles-lettres department he had not an equal in the institution. He enjoyed also an uncommon flow of animal spirits. Perfect health was a blessing he enjoyed from his earliest days till his last sickness; and in a boy, health and activity are concomitant. He mingled in all the sports of college life, in all the mischief, too, and made himself notorious by them. The name of Cuming was known in every hamlet in the state before his first year in college was over. At the age of sixteen he graduated, carrying off the first honors of the institution. His oration is spoken of to this day for the force and eloquence which distinguished it from the platitudes usually spoken by young men on such occasions. Upon his graduation he was appointed geologist to a scientific expedition sent to explore the mineral regions about Lake Superior; a position whose importance is evident from the immense wealth annually derived from the copper of that country.

"At the breaking out of the Mexican war he was a young man averse to the drudgery of any of the professions, but full of the high hopes and aspirations of youth. The sound to arms appealed to the military passions of his nature, for his nature was that of a soldier through and through. He entered the army as a lieutenant, and served out the time of his enlistment. He always regretted that the circumstances of his station prevented his mingling in those great conflicts which reflected such glory on American arms.

"After the war he found himself loose upon the world, without friends to whom he could go, without means, without advantages, save those he had within himself. Accidentally he found employment as a telegraph operator in Keokuk, Iowa. But it was not enough for him to feed his stomach and clothe his nakedness. The mind of the young man must be at work. He wrote an anonymous article to the *Dispatch,* a paper published at that place. It arrested attention. He wrote another; curiosity as to who was its author was excited; another and another appeared, and curiosity increased more and more. One person and another to whom they were at first attributed disclaiming the authorship, they were at last traced to the young telegraph operator. The ability which they displayed was not to be lost and he was immediately placed in charge of the paper. It was soon the leading paper in the state, a power in the state, and hardly ever was there a country paper exercising such a large influence. During his residence in Keokuk he married Miss Margaret C. Murphy, whose beautiful devotion to him in all the changes and trials of life has been only equaled by the great sorrow which now crushes her. It was while in charge of the *Dispatch,* in 1854, and somewhat in reward for the eminent services which he had rendered to the democracy, that he was appointed secretary of Nebraska. He was at this time only twenty-five years of age. He arrived here on the 8th of October, accompanied by his accomplished bride. It is well known that very soon after Governor Burt arrived in the territory he sickened and died, and that Cuming thereupon became the acting governor. Young as he was he brought to the duties of the office qualities singularly fitted to their faithful discharge. His mind was filled with the idea of a Roman governor and pro-consul in Rome's best days. A mind stern, haughty, severe, and unyielding in the policy it had marked out; resolved by its own invincible will to bend all men to that will, to bend itself to none, to be a great power in the state, and then by virtue of that policy to plant the institution of sound and stable government and order and law. To teach all men the wisdom and the power of that great central government which granted them an organization, and gradually, safely, and surely to fit them for citizenship in its great confederacy.

"What a work was that for a man of twenty-five, but how nobly did Cuming do it! Those factious jealousies and contests, so common and so bitter in new countries, rent the territory into numerous and distracted parties; and when the young governor took one step in the direction of organization he found arrayed against him the combined opposition of all parts of the territory, save this

Governor Richardson, who was absent from the territory at the time of Secretary Cuming's death, returned on the 5th of April, so that for about two weeks there was neither secretary nor governor in the territory. Mr. J. B. Motley, Cuming's private secretary, performed the duties of secretary until the appointment of J. Sterling Morton, who quali-

city alone. When he convened the legislative assembly here all the fury of excited passion burst upon him. Any other man would have stood appalled before it; would have retreated before its threats; would have compromised with its turbulence. To do so, however, was to give up the peaceful organization of a territory, consecrated in the midst of national excitement to popular sovereignty; to give up all law and all order, to give up himself, all he was, all he hoped to be. He did not waver. He issued the certificates of election to those who were elected members of the assembly. He pressed the two houses to an immediate organization, and in one week every vexed question was settled, his opponents defeated in their disorganizing purposes, and orderly government in the territory secured as a new proof of the ability and the right of the people to govern themselves. It was a triumph of his commanding will which awed opposition. It was genius mastering transcendent difficulties. Governor Cuming lived to see the blessings of peace, order, law, and prosperity follow his acts.

"It is unnecessary for me to recount in your hearing the life of our friend. It was passed in your midst. You were sharers of its joys, of its generosities, of its devotions. It was a part of your own, and the thread of its narrative is entwined with that of yours so that you can not recall the past but you recall him. It was a life of energy, of activity, of effort for every good word and work which concerned this city which was his home, and this territory over which he presided. Beautiful is old age; beautiful as the rich, mellow autumn of a bright glorious summer. The old man has done his work and he is gathering in the abundant harvest of his good services in the love of the old and the reverence of the young. He has laid off the cares of life and waits placidly for the end; waits placidly for the beginning beyond the end. God forbid we should not call that beautiful! But more beautiful even than that is young manhood, with strong arm and stout heart, in the face of storm, and wind, and rain, sowing the good seed of national order, prosperity, and peace; sowing the good seed of its own fame which a whole people shall embalm in the memory of its best affections. Raise on the spot where he lies what tomb you will, his true sepulcher is in our hearts, his true epitaph is written on the tablets of our memories.

"The resignation of Governor Izard returned Governor Cuming to the responsibilities of the chief executive. While in their discharge the late assembly convened. For some time before he had been suffering from prostrating sickness, and he was little fitted to meet the violent contests which attended the session. He nerved himself for the task and prepared the message. But the disease which prostrated him gave to his mind a deep coloring of sadness, of doubt for the future, of fear both for himself and the country. He was unable to prevent its tinge appearing in the message, and as he delivered it to the assembled houses, the deep pathos, the hopelessness of some of its passages, cast over the minds of those who loved him, even amidst the excitements of the occasion, a strange foreshadowing of a coming sorrow. The effort

was too much for him, and he returned to his home to preside over the territory from his sick bed. The hopefulness of his nature did not at all forsake him in his painful sickness. He hoped he might be permitted to rebuild a better and a nobler self on the ruins of the old constitution; that to the services of his country he might add others still higher; that he might yet give wider and freer play to those affections of the heart, to those sentiments of Christian duty and religion which an anxious father had early instilled into his mind. But it was not to be; all the love of friends, all the promises of his young manhood and his abundant acquisitions, all his capacities to do good, all his hopes, all his ambitions could not save him. He was cut down and withered. Peacefully he lies in the embrace of his own Nebraska, and as fond kindred grace the hallowed spot with marble shaft or consecrated iron, with the beauty of the flower, with its rare odor that comes to us as a sweet consolation, a loving people will turn ever and anon from the path of their prosperity to pay their tribute of affection to the great man buried there.

"The character of Governor Cuming was marked by a most striking individuality. In these days, when the etiquette and customs of social life conform even the heartiest salutations and coldest reserve, the dress we wear, all the manners of our life, to one standard of phase and fashion, most men lose, especially in daily intercourse, all distinctive characteristics, become like all others, are least themselves. It was not so with Governor Cuming. You always met him. His peculiarities of phase, of manner, arising not from any desire to be singular, but a natural, unconscious, yet most intense individuality, always impressed you. Besides, you always felt you met a man; a man of will, who resisted all external influences and followed the line of his own convictions and purposes. The physical formation of the man indicated the firm, well-knit, active nature; every inch of him was alive and tremulous with the energy which poured along the nerves. His grasp was the grasp of the lion; for its physical power first, most of all for the mighty will which directed it. This same organization was indicated by the eye, which no one ever looked into and ever forgot. That deep black iris, that fervid glance and gleam indicated an organization very remarkable and seldom seen in temperate zones. It was a torrid eye, from which flashed out all the tremulous sensibilities, all the passions, and all the fire of natures born and bred near the sun. In the mental physiology of Governor Cuming imagination held a large space; but it was not the subtle imagination which delighted in beautiful, soft-phrase words, empty of large, strong, vigorous vision; nor yet, even in its highest altitude, did it soar aloft in the clear but cold regions of disenchanted spirit. It was wrapped about, or rather it was at one with his sensibilities. It dwelt among and upon those visions which are beautiful because they are lovely, and delightful because they are creations of the heart and its affections, not of the cold, selfish mind. This was one peculiarity of his eloquence. It was luxuriantly imaginative, but it was so full of sentiment, of the warm, gushing natural sentiment of the heart. No

fied July 12, and assumed the office July 18, 1858.[1] With Lewis Cass at the head of the department of state at Washington, backed by his own already recognized leadership, he had a great advantage in the contest for the office. In his last days Mr. Cuming must have realized as the irony of fate the probability that his arch-enemy would succeed him. It is a matter of course that these two brilliant men, of most aggressive temperament and great political ambition, confined within the little limits of the then dominant party of the territory, should have been mutually and bitterly hostile. If Cuming by his masterful manipulation of the capital business had blasted Morton's first hopes and driven him from his first home at Bellevue, Morton had perhaps repaid him in full by thwarting his ambition to become governor. As late as November 21, 1857, an unmistakably Mortonian article in the Nebraska City *News*, in commenting on another in the *Nebraskian*, warmly favoring Cuming's appointment to succeed Izard, assails him in most violent language, though the writer is constrained to say, "that Cuming has talent, that he has brilliant talent is admitted." Those still living who knew the exuberant Morton of those early days will acknowledge the verisimilitude, and even those who have known him best in his ripe and steadied manhood discern truth in the following newspaper comment at the time of his appointment as secretary: "He is a good-hearted, jovial fellow, and of fine capacity, but a little too ultra in his friendships and enmities. As a newspaper writer he has been much too fond of saying acute things without duly considering as to their application."[2]

matter what the occasion, he led captive the feelings, if not the convictions of his audience. The very copiousness of his language, his appeals to numerous passions, the magnetic power of his figure gave him a command, sometimes an absolute tyranny over his hearers, very seldom equaled by the greatest orators.

"And yet I would not speak of these qualities to the exclusion of the more substantial. They were the leading peculiarities of his mental organism, and yet logic, large abilities at argument, what the Germans call the absolute reason formed a stable and sufficient substratum. He never laid hold of a subject but he mastered it. He took it in, both in its grand outlines and as a whole, and in its minute details. Its scientific nature and relations were clear to him. He could speak of them, and speak of them in the formal propositions of science. But when he came to speak of them to the people, when the full play of his powers moulded them into forms tangible to the popular touch, visible to the popular eye, then he brought them home to the heart by the most singular appeals of passion, of interest, of desire.

"I have already spoken of his early studies, of his devotion to them, of his ambitions and successes in them. He was known here, not at all as a man of books but as a man of the world, dealing with its appliances, means, objects, and yet to the last he was the same ardent student as in early days. His acquisitions in one so young, whose life had been in excitement little congenial to literary habits, were astonishing. No man ever crossed the Missouri so thoroughly educated. By that intense individuality of which I have spoken, he made what he read a part of himself. His knowledge was not something outside of him; it entered into his being; out of it the muscles and sinews of his mind drew their vigor. It was always at command. It sounded not like some familiar words, but like himself alone, and graced and enforced every subject which he touched by its abundant illustration.

"His manner was reserved, especially of late years. He held almost every one at a distance. Few penetrated into the great heart within him. But that heart was a great fountain of affection, of sympathy, of generosity. The hard world, long contact with its selfish struggles and hates and jealousies, may have crusted it over with constraint, but within it was warm and true and loving as ever. In his last sickness it came back again to the simplicity and freshness of ingenuous youth. He turned back to old thoughts and feelings and pursuits. The well thumbed volumes of his schoolboy days were once more brought out, and, clustering thick around them the associations of early life, which none but the scholar knows, he read again and again the lines dimmed by the tears that would come. He talked of those high and holy things which most fill a child's wondering mind, which most fill the soul looking into a world where it must be a child again. It was sad to see him then, with such capacities for good, marked for the grave; to hear him wish for life with a strange hope; to hear him speak with deep pathos of those he loved and must leave, of himself and the past, and his resolves and his prayers; but who could help but feel that he had come back again to the freshness of youth, that he might enter into that youth whose freshness is immortal. I am told by those who knew him in his youth that, as he lay awaiting the last mournful testimony which we have paid to him, he looked, more than he ever has since, as he did before the changes and trials of life had placed their marks upon him. Who shall say that that fair, bright, placid face was not the symbol to us of the spirit fairer, brighter, more placid above?

" 'Light be the turf of thy tomb;
May its verdure like emeralds be;
There should not be the shadow of gloom
In aught that reminds me of thee.
'Young flowers and an evergreen tree
May spring from the spot of thy rest,
But no cypress or yew let us see,
For why should we mourn for the blest?' "

[1] Records of Nebraska Territory, p. 194.

[2] Copied from Dakota City *Herald* in Nebraska City *News*, May 15, 1858.

# CHAPTER X

FIRST POLITICAL CONVENTIONS—POSTPONEMENT OF LAND SALES—FIFTH LEGISLATURE—RESIGNATION OF GOVERNOR RICHARDSON

UNTIL 1858 there was no political party organization in Nebraska, and political contests were all between democratic factions. Agitation in Omaha in favor of organization in the latter part of 1857 was met by Morton with the contention that the time was not yet ripe for that project. Ferguson, a sound democrat, was elected without regard to party lines. Irretrievable ruin, disgrace, and defeat would follow organization under such leaders as Chapman & Co.—"Chapman, Cuming, and Rankin"[1] being particularly designated and each distinguished by an explosive adjective. The *Advertiser* was of a like opinion. The interpretation whereof is that voting in sectional opposition the South Platte was pretty sure to win, while under the organization régime the manipulation of the Omaha politicians might prevail. But a correspondent of the *Advertiser* insisted that organization was necessary "to purge the party of black republicanism, abolitionism, and whiggism;" whose mien, so hideous to democrats of that day, was now visible in the territory. Nevertheless, a mass meeting was held in Omaha on the 8th of January, 1858.[2] A very long platform was adopted, the first resolution declaring that "It is expedient to organize the democratic party in the territory and the same is hereby organized." The resolutions further insisted that the constitution did not confer authority upon the federal government, directly or indirectly, to assume the debts of the several states contracted for local and in-

[1] The Nebraska *News*, November 21, 1857.

[2] Following is the official account of the proceedings of the first party political convention held in Nebraska, as given by the *Advertiser* of January 28, 1858:

"Agreeably to the previous notice, the democracy of Nebraska Territory assembled at the capitol building, in Omaha, at 11 o'clock A. M., January 8th, 1858.

"On motion of Dr. Benjamin P. Rankin, Esq., Hon. John F. Kinney, of Otoe county, was elected chairman. On motion of A. J. Poppleton, a committee of five was appointed to report permanent officers for the permanent organization of the convention. The chair appointed John C. Turk, of Dakota county; Silas A. Strickland, of Sarpy county; James S. Stewart, of Douglas county; and Elias H. Clark, of Washington county. On motion, the chair appointed the following committee on resolutions: Charles F. Holly, of Otoe county; Andrew J. Poppleton, of Douglas county; William G. Crawford, of Dakota county; Leavitt L. Bowen, of Sarpy county; James S. Stewart, of Washington county. The meeting was then addressed by the president and Silas A. Strickland, of Sarpy. On motion the meeting adjourned until 2 o'clock P.M.

"AFTERNOON SESSION

"Convention met pursuant to adjournment and was called to order by Judge Kinney, temporary chairman. The committee on permanent organization made the following report:

"For president, Judge Kinney, of Otoe county. Vice-presidents, Edward C. Jones, of Dakota county; William B. Beck, of Burt county; Paris G. Cooper, of Washington county; John Steinberger, of Douglas county; Amos Gates, of Sarpy county; Joseph Vanhorn, of Cass county; Joshua G. Abbe, of Otoe county; Samuel A. Chambers, Nemaha county; Charles McDonald, of Richardson county; Dr. Andrew F. Cromwell, Pawnee county; John Reck, Platte county; J. M. Oakes, of Dodge county. Secretaries:—1st. Secretary, John Howard, of Cass county; 2d, Alfred W. Puett, of Dakota county; 3d, James S. Stewart, of Washington county.

"The committee on resolutions, through their chairman, Judge Holly, reported the following which were unanimously adopted:

"Resolved, That we affirm the Cincinnati platform of 1856, in its letter and spirit, without change or obliteration.

"Resolved, That an early organization of the democratic party, in Nebraska territory is demanded alike by the precedents of the past, and the requirements of the future.

"Resolved, That in organizing the party in this territory, upon a common platform, we will literally know neither North, South, East or West, but will extend the hand of fellowship to all democrats who adhere to the principles and organization of the party, whether they reside north or south of the Platte, or in any other section of our vast and extended territory.

"Resolved, That no better day could have been selected than the anniversary of the glorious 8th of January, 1815, for the natal morn of the Nebraska democracy.

A. K. Gilmore

ternal improvements or other state purposes, and that such assumption would be unjust and inexpedient; that justice and sound policy forbade the federal government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injuries of another portion of our common country. The convention also declared that the principles established by the national Democratic convention at Cincinnati were the only authoritative exposition of democratic doctrine.

The first attempt to hold a convention of the Republican party in Nebraska illustrates the fact that the cause of republicanism in 1858 was neither strong nor of first-rate repute. The account of this convention, given in the Brownville *Advertiser*,[1] published and edited by Robert W. Furnas, shows that the party, so soon to become almost permanently

"Resolved, That the principles of popular sovereignty, set forth in the organic act is the vital element of democracy, and cannot be, and is not, rejected by any democrat.

"Resolved, That in order to consummate the final organization of the democratic party, in the territory, this meeting do recommend to the party in every county to hold primary meetings in their respective county seats, on the second Monday of May, 1858, or such time as may suit their convenience and to elect one delegate for each member such convention may be entitled to in the legislature, to meet at a general democratic territorial convention, to be held at Plattsmouth in Cass county, on the first Thursday of June, 1858.

"Resolved, That the chair appoint a committee of seven to draft an address to the democrats of the territory. Also a committee of three to correspond with the leading democrats of each county.

"Resolved, That the democratic papers of the territory be requested to publish the proceedings of this convention.

"After which the convention was very ably and eloquently addressed by John F. Kinney, Origen D. Richardson, John C. Turk, Esq., Judge Charles F. Holly, Judge Samuel W. Black, Dr. Benjamin P. Rankin and others.

"On motion of Dr. B. P. Rankin, the president of the convention was authorized to appoint a committee of seven to prepare a democratic address to the people of the territory. The president appointed the following gentlemen said committee: Benjamin P. Rankin, of Douglas; William G. Crawford, of Dakota; James S. Stewart, Washington; Wheatley Micklewait, Cass; William E. Pardee, Otoe; Dr. Andrew S. Holladay, Nemaha; Silas A. Strickland, Sarpy.

"On motion of Mr. Turk, of Dakota, a committee of three were appointed to correspond with the leading democrats upon the subject of primary meetings and a democratic organization.

"The president appointed Mr. Turk of Dakota, Origen D. Richardson of Douglas, J. Sterling Morton of Otoe.

"On motion the convention adjourned.

"JOHN F. KINNEY, *Pres't.*

"JOHN HOWARD, *Sec'y.*"

[1] Following is the official account of the mass meeting held for the purpose of organizing the Republican party in Nebraska, as published by the Nebraska *News* of January 30, 1858:

"In pursuance of a previous notice, the republicans of Nebraska met at Omaha on the 18th of January, 1858, for the purpose of taking initiatory steps toward the organization of the party.

"On motion of Dr. Gilbert C. Monell, Gen. William Larimer of Douglas was called to the chair and James W. Van Nostrand was elected secretary. On motion of Dr. James H. Seymour, a committee of five was appointed by the chair, consisting of Dr. James H. Seymour, Phineas W. Hitchcock, Edward F. Schneider and Casper W. Shreeve, of Douglas county, and H. S. Munday, of Sarpy county, to report officers for the permanent organization of the meeting. On motion of William Young Brown, Esq., the chair appointed a committee of eight, consisting of William Young Brown, James H. Seymour, John H. Kellom and Reuben Sheldon, of Douglas county, Loren G. Jeffrey and Erastus T. Cressey of Cass, Dr. John C. Campbell of Otoe, and Reuben Lovejoy of Sarpy to prepare and report resolutions. After the meeting had been ably and eloquently addressed by the chairman and Dr. Gilbert C. Monell on the necessity of an early organization the same adjourned until two o'clock in the afternoon.

"The meeting was called to order again at two o'clock in the afternoon, when the committee on permanent organization recommended the following permanent officers, the report being accepted by the convention: President, Gen. William Larimer, of Douglas county; vice-presidents, Stephen F. Nuckolls of Otoe county; Rev. Wingate King, Richardson county; Pleasant M. Rogers, Pawnee county; John McGorigan, Nemaha county; Miles Chilcott, Washington county; Thomas Gibson, Dodge county; Thomas Sarvis, Platte county; George F. Kennedy, Monroe county; Alfred Matthias, Sarpy county; James M. Parker, Douglas county; Samuel M. Kirkpatrick, Cass county; Augustus Kountze, Dakota county; James W. Logan, L'Eau Qui Court county; secretaries, James W. Van Nostrand, Lawson Sheldon, Levi Harsh.

"The president on accepting the chair 'reviewed the policy of the administration in a searching manner and exhorted the republicans to be united in their efforts until victory should be perched upon their banner.'

"The committee on resolutions reported as follows:

"Resolved, That this meeting do reaffirm the republican platform of Philadelphia, of June 17, 1856.

"Resolved, That inasmuch as those endorsing the administration have organized the democratic party it is imperative upon the republicans at as early a day as practicable to organize the republican party of Nebraska and meet the issue thus forced upon them.

"Resolved, That in the organization of the republican party of Nebraska we will extend the hand of fellowship to all, from every part of the territory, who are opposed to the national administration, and adhere to the principles of the republican party.

"Resolved, That we deeply sympathize with our 'twin sister,' Kansas, in her laudable struggle for

dominant in the territory and state, did not then deem it expedient to hang its banner on the outer walls:

"It is presumed by close observers of the movement of that party during that day (May 27) that the delegate convention proved to be a failure, at least a public one at which all parties had the privilege of attending. But one regular delegation has been in from other counties so far as outsiders have been able to learn, although more might have been present. The convention, or caucus more properly, was held in secret, refusing to admit democrats to witness the proceedings, and therefore, a limited opportunity was offered to ascertain the exact number of delegates forming the convention. Large posters were placed in public places all over the city notifying delegates to meet at Visscher's[1] hall, and in accordance with said notices, several democrats endeavored to gain admission but were confronted with the news that the meeting of delegates would be held at a small office in the east part of town, to which some democrats repaired for the purpose of witnessing the proceedings, supposing the meeting, like all such, would be public, but in attempting to enter were informed that it was entirely private. An individual opinion is that the cause of republicanism is imbecile and powerless in this territory, and cannot accomplish many decided victories or build up much strength in party organization except they can be permitted to steal the popular sovereignty plank of the democratic platform, which they appear determined to accomplish, if possible, for the reason that they find the great majority of their party strenuously advocating the doctrine of peoples' rights. There are a few of the leaders here who are anxious for an organization, whilst the masses of the republicans care but little about it, for the reason that they are mostly popular sovereignty men and can very easily slide over into the democratic ranks and be on the popular and winning side of politics."[2]

While this Omaha correspondent of the *Advertiser* must be credited with a considerable political insight, his foresight was exceedingly limited, for he does not seem to have perceived at all the then plainly rising tide of anti-slavery sentiment, which, within two years, was to sweep over the entire Northwest.

The first Nebraska platform of the party, which for forty years has been the most imperious organization of its kind, perhaps, in the world, was not much more than a half timid protest.[3]

freedom of speech, freedom of the press, freedom of political action, and the right to regulate their own institutions; and we look upon the efforts of the democratic party to force the institution of slavery upon them as contrary to the known wishes of an overwhelming majority of the citizens, as repugnant to the rights guaranteed to them by the Declaration of Independence and the Constitution of the United States.

"Resolved, That by the action of the democratic party in virtually transferring Stephen A. Douglas, Robert J. Walker, and popular sovereignty democrats generally to the ranks of the republicans, we cannot but think that the condition of those transferred has been improved and the designs of the administration for the extension of slavery rendered to a greater degree apparent.

"Resolved, That no one of the positions of the republican party would have been controverted in the days of Washington, Jefferson, or Jackson, nor would they now be opposed, had not the so-called democratic party departed from their ancient faith, and planted themselves on the notorious John C. Calhoun platform and the Dred Scott decision.

"Resolved, That we are in favor of the appropriation of lands by the general government for the purpose of building a grand Pacific railroad, and all the branches of said road which may be necessary for the convenience and benefit of the territory.

"Resolved, That we are in favor of the homestead bill which has been recently introduced in the senate of the United States donating 160 acres of the national domain to the actual settler for a homestead.

"The resolutions further recommended that meetings be held at convenient places in the several counties to choose as many delegates as there were members of the legislature who should meet in Omaha City on the 27th of the following May to complete the organization of the party; that the president should appoint a committee of seven to prepare an address to the republicans of the territory and to correspond with republicans of each county upon the subject of primary meetings; that the New York *Tribune*, St. Louis *Democrat*, Council Bluffs *Nonpareil* and all the papers printed in the territory be requested to publish the proceedings of the meeting.

"The president appointed William Young Brown, Loren G. Jeffrey, Jacob Dawson, Dr. James H. Seymour, John H. Kellom and James W. Van Nostrand a committee to prepare the address in question.

"After listening to eloquent and soul-stirring addresses from Messrs. William Young Brown, John H. Kellom, Dr. James H. Seymour and others, the meeting adjourned with three good, hearty cheers for the republican party and its principles.

"WILLIAM LARIMER, Prest.
"JAMES W. VAN NOSTRAND, Sec'y."

[1] Visscher's Hall was in the Pioneer block on Farnam, between 11th and 12th streets. This building was erected in 1856 by Henry H. Visscher, Dr. Charles A. Henry, and Allen Root. It was destroyed by fire in 1877.

[2] Nebraska *Advertiser*, June 10, 1858.

[3] "1. That in view of the alarming position of the present national administration, which claims for

The Democratic convention at Plattsmouth, June 3, 1858, was the first delegate political convention held in the territory. O. D. Richardson of Douglas county was its temporary and permanent presiding officer.

The convention resolved to adopt the doctrine of popular sovereignty as enacted in the Kansas and Nebraska act to its fullest extent; "that the incorporation of banks by the legislature, whether under the present insecure system, or by any other, is unwise, impolitic, and anti-democratic"; and in favor of a homestead exemption law.[1] There was only one territorial officer to be elected in 1858—an

the executive of the United States the authority to force territories into the Union as states with institutions repugnant to the people thereof, and also in consideration of the fact that the friends of that administration are forming a party organization in this territory to support this odious assumption of power, it is our duty, as Republican citizens of Nebraska, to organize for the purpose of meeting the issue thus forced upon us, and to vindicate the right of the people of a Territory, when applying for admission as a state, 'to regulate their own institutions in their own way.'

"2. That we re-affirm the platform of principles adopted by the National Republican Convention at Philadelphia, in June, 1856, so far as the same are applicable to the present exigencies of the country, and that we array ourselves under the banner of the party then organized.

"3. That, with Republicans everywhere, we endorse the great doctrines of the Declaration of Independence and the Constitution of the United States, and declare it to be our unalterable determination to support those bulwarks of our prosperity, and, wherever they have been departed from, to restore them to their original purity as maintained by the founders of our Republic.

"4. That the Territories are the common property of the people, subject solely to the laws of Congress under the Constitution of the United States, and therefore no institution which Congress may not constitutionally establish can have rightful existence within their borders.

"5. That the attempt of any state to establish its local and peculiar institutions in any territory is an infringement, not only upon the rights of the people therein, but upon the rights of all the states; and the local laws of Virginia and Kentucky, which reduce a portion of their population to slavery, ought to be as inoperative in any territory as the school and tax laws of New York and Ohio.

"6. That the action of the administration in regard to the Lecompton constitution is in direct violation of the Kansas-Nebraska act, and of the constitution of the United States. It violates the Kansas-Nebraska act and its boasted principles of popular sovereignty, by its attempt to force laws upon a free people in direct opposition to their will. It violates the constitution of the United States by using splendid bribes of profit and covert threats of loss to accomplish the same purpose.

"7. That free labor and free speech, inherited by our ancestors and guaranteed to us by the Constitution, are our inalienable rights, and that we will vigorously oppose the introduction of any institution in our territory that degrades free labor or forbids free speech.

"8. That the attempt of the present administration to affirm slavery as already existing in Kansas is a base attempt to violate the rights and privileges solemnly pledged in the act organizing that territory, and using the extra judicial opinion of Judge Taney in delivering the opinion of the Supreme court in the Dred Scott case is a gross attempt to corrupt the constitution of the United States and degrade the dignity and virtue of the supreme court.

"9. That the repeal of the Missouri compromise, taking back the consideration which freedom received for permitting slavery in Missouri, thus compelling freedom to fight a second time for territory once solemnly dedicated to it, on an entirely new principle, viz.: so-called popular sovereignty, was an outrage on the sentiments of the north—an act of the grossest bad faith, and forced upon us contrary to our wishes and votes.

"10. That we are in favor of the appropriation of lands by the general government for the purpose of building the grand Pacific railroad, and all branches of said road which may be necessary for the convenience and benefit of the country.

"11. That we are in favor of the homestead bill, which has recently been introduced in the Senate of the United States, donating one hundred and sixty acres of the national domain to the actual settler thereon, as a homestead, and that we condemn the late action of a Democratic congress in deferring this bill and the Pacific railroad to another session.

"12. We will extend the right hand of fellowship to all who are opposed to the present administration in its attempt to force slavery into new territories, and bribe free men to vote in opposition to principles previously avowed and honestly held.

"13. We are opposed to all banks of issue whose bills and deposits are not safely secured from mismanagement and fraud.

"14. That we are in favor of one general act of congress under which all territories may be organized on the same basis, and do all their own local legislation until their application to congress as states with a republican constitution which has been approved by the people of such states applying for admission, and when admitted as states, it shall be on a uniform basis.

"15. That the Republicans be requested to organize societies wherever practicable in their respective counties, to act in cooperation with the territorial organization."

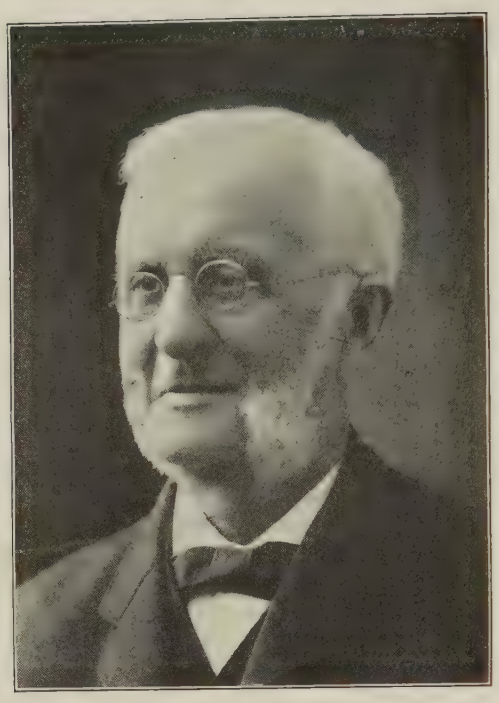
—(The *Advertiser*, June 10, 1858.)

[1] Following are the official proceedings of the first Democratic delegate convention in Nebraska:

"Plattsmouth, June 3, 1858.

"The convention was called to order by Gen. Leavitt L. Bowen, of Sarpy county, who moved the appointment of Gov. Origen D. Richardson as temporary chairman. Carried. On motion Mr. Theodore H. Robertson, of Douglas county, and Augustus F. Harvey, of Otoe, were appointed secretaries. Mr. Gwyer moved a committee of one member from each county be appointed to examine credentials. Carried, and the chairman appointed Messrs. Gwyer, Turk, Downs, Bowen, and Townsend said committee.

"Mr. Gibbs moved the appointment of a similar committee to report permanent officers of the con-



HENRY A. KOSTERS

MRS. MAGDALENA KOSTERS

Perry M Peckham

Nancy Peckham

auditor to fill a vacancy—and so no nominating convention was held. Democratic tickets were nominated in Douglas and Otoe counties, and in both cases they were opposed by independent tickets. A part of each ticket was successful in Douglas county, but the first distinctly party ticket nominated in Otoe county was defeated by the "peoples ticket," which, however, the *News*[1] averred, stripped of its false tinsel, "is nothing more or less than a black republican ticket. There is nigger in it. The long heels, thick lips, and black hide are plainly discernible. *It smells bad this warm weather.*" While the republicans at this time felt too weak to stand alone in an election contest, they were growing strong enough to make a formidable showing under cover in the two leading counties.

As excitement over the action—or inaction—of the legislature was gradually dying a natural death, growing opposition to proposed public land sales in September took its place. The solicitude of the squatters was increased by a decision of the land commissioner, Thomas A. Hendricks, on August 2, that failure to make payment before the day of public sale would, under the law, forfeit all rights. The press of the territory, which represented the popular sentiment, led by the *Advertiser* and the *News,* made a stout campaign against the sales. Public meetings, which passed strong protesting resolutions, were held in many of the towns and settlements, and the settlers of the Nemaha land district, at a meeting held in Brownville, August 15, requested J. D. N. Thompson and Richard Brown, of that district, and J. Sterling Morton and Judge Charles F. Holly,[2] of the South Platte land district, to proceed to Washington with Hon. James Craig (member of Congress from

vention. Pending which the committee on credentials reported the following gentlemen present as delegates from the several counties, and that their credentials were correct: Sarpy—Leavitt L. Bowen, Silas A. Strickland, William R. Smith, Charles Keys, Henry A. Longsdorf, Dr. Benjamin P. Rankin. Otoe—Calvin Torrey, Isaac L. Gibbs, William W. Dennison, Edward A. DesLondes, Charles F. Holly, Hiram P. Downs, Augustus F. Harvey, Francis Bell, Joshua G. Abbe. Cass—John Howard, William McCarty, Wheatley Mickelwait, Jacob Vallery, Alfred H. Townsend, Thomas J. Jones, James R. Porter. Dakota—John C. Turk, George L. Sites, John Nelson H. Patrick. Nemaha—Gurdon H. Wilcox, Walter W. Hackney, William W. Keeling, Joseph D. N. Thompson. Douglas—Jonas G. Seely, George Clayes, Origen D. Richardson, William A. Gwyer, Theodore H. Robertson, John A. Steinberger, Dr. A. B. Malcolm, Robert W. Steele, Andrew J. Hanscom, Andrew J. Poppleton, Hadley D. Johnson. Richardson—Charles McDonald. Burt—Olney Harrington.

"The report was accepted and adopted. Mr. Sites moved that Gov. Origen D. Richardson of Douglas be elected permanent chairman of the convention. Carried. Mr. Seely moved that one member from each county be appointed to draft a series of resolutions for the platform and organization of the democratic party.

"Pending which the convention adjourned until 2 o'clock.

"AFTERNOON SESSION

"The convention met at 2 o'clock. Dr. Rankin moved that Augustus F. Harvey, of Otoe, be elected permanent secretary of the convention. Carried. Mr. Gibb's motion for a committee on permanent officers was then considered and carried. Messrs. Gibbs, Robertson, Strickland, Patrick, Mickelwait, McDonald, and Hackney were appointed said committee. Mr. Seely's motion for a committee on platform then came up, and it was carried, and Messrs. Seely, Rankin, Townsend, DesLondes, Wilcox, McDonald and Turk were appointed.

"A recess of half an hour was had when the committee on permanent officers reported as follows:

"For vice-presidents, James R. Porter of Cass; Charles McDonald, of Richardson; Walter W. Hackney of Nemaha; Calvin Torrey, of Otoe; William R. Smith of Sarpy; George Clayes, of Douglas; George L. Sites, of Dakota; Olney Harrington, of Burt. Assistant secretary, John Howard, of Cass. Mr. Harvey moved that the rules of the last territorial House of Representatives be adopted as rules to govern this convention. Carried.

"Mr. Sites offered the following resolution:

"Resolved, That each county represented in this convention shall be entitled to the number of votes fixed by the 8th of January convention at Omaha, and that the delegates present be hereby empowered to cast the vote of said counties.

"The resolution was adopted.

"The following gentlemen were appointed a territorial central committee: Gen. Leavitt L. Bowen, Bellevue, Sarpy county; John Howard, Plattsmouth, Cass county; Origen D. Richardson, Omaha, Douglas county; Isaac L. Gibbs, Nebraska City, Otoe county; John C. Turk, Dakota, Dakota county; Justus C. Lincoln, Salem, Richardson county; James S. Stewart, Cuming City, Washington county; H. C. Crawford, North Bend, Dixon county; Charles A. Goshen, Tecumseh, Johnson county; Olney Harrington, Burt county; J. Shaw Gregory, Niobrarah, L'Eau Qui Court county; Gates P. Thruston, St. James, Cedar county; Jesse Cole, Brownville, Nemaha county; Christian Bobst, Pleasant Valley, Pawnee county; Bennet Pike, Beatrice, Gage county; Thomas S. Parks, Louisburg, Dodge county.

"Mr. Patrick moved that five members of the central committee constitute a quorum. Carried.

"Resolved, That the democratic papers in the territory be requested to publish these proceedings."

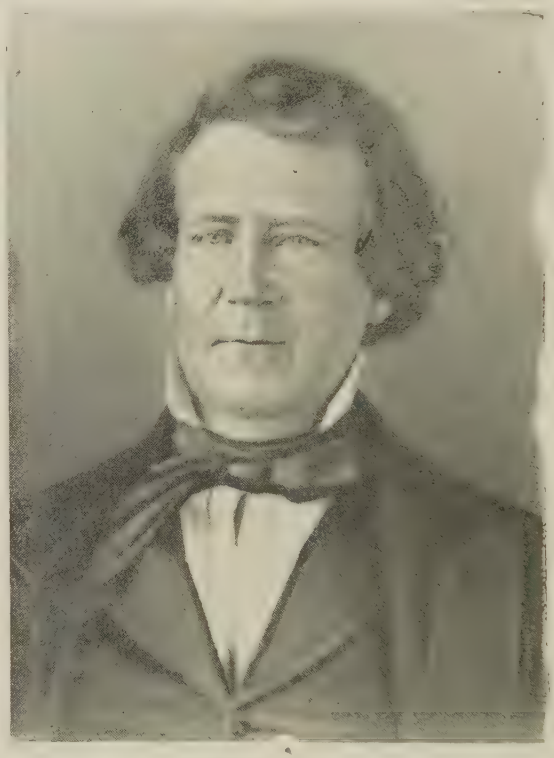
—(Nebraska City *News,* June 12, 1858.)

[1] Nebraska *News,* July 31, 1858.

[2] Charles F. Holly was a lawyer at Nebraska City, and a partner with John F. Kinney. He was ap-

the adjoining district of Missouri[1]) to procure, if possible, the postponement of the approaching sales. The *Advertiser* announced that Judge Charles F. Holly, Col. H. L. Martin, and Richard Brown started from Brownville for Washington on their mission.[2]

These delegates presented a pathetic and dismal address to the president—dated August 23, 1858, and endorsed by Mr. Craig—which set forth that "owing to excessive rains during the summer, not only was there an entire failure of the wheat and oats crop, but as a consequence an accumulation of sickness heretofore unknown in that region." Therefore scarcely a dollar could be obtained from the proposed sales, and after such sales, the land being subject to private entry, all preemption rights having expired, the claims, settlement, and improvements of bona fide settlers would be "at the mercy of the land jobbers who are now hovering around the land offices and who will speedily monopolize all the desired unsold lands with military land warrants, by entire sections and townships."



AUGUSTUS HALL[5]

It took a full week for the momentous news of the postponement to reach Nebraska; and it is worth while, as an illustration of the status of means of communication at that time, to state that this news came at once to St. Louis by telegraph, then, in four days, evidently "on foot," to St. Joseph, and thence by the same means to Brownville in three days. The excitement over the postponement was great. The *Advertiser*[3] proclaimed it under the heaviest display of headline at its command: "Glorious News"—"Let the Settlers Rejoice"—"Nebraska Saved"—"Hendricks' Decision Spoiled," etc. A great demonstration took place at Brownville.

"The whole city was brilliantly illuminated; nearly every window was filled with burning candles; bonfires were kindled in the streets, and on top of the surrounding hills; fire balls flew in every direction, minute guns were fired from early in the evening until about 8 o'clock. Honorary guns were fired for the president of the United States, Hon. Jacob Thompson,[4] Brown, Craig, Holly, Martin; and we hereby acknowledge the compliment paid our humble self, by honoring us with 'three

pointed associate justice of the territory of Colorado in 1865. He was a member of the house in the 1st territorial legislature of Colorado and was speaker of the house at the second session.

[1]It seems strange that the services of a Missouri congressman should have been invoked to aid the settlers in securing the postponement of the land sales, and all credit be given him for the final accomplishment of this, while no mention whatever is made of Nebraska's own delegate in Congress, Fenner Ferguson, who was even then in Washington, and presumably looking after the interests of his constituents.

[2]Nebraska *Advertiser*, August 19, 1858.

[3]September 2, 1858.

[4]Jacob Thompson was secretary of the interior from March, 1857, to January 7, 1861.

[5]Augustus Hall, a native of Batavia, New York, was born in 1814. He was a son of Samuel Hall of Massachusetts, of English descent, who commanded a colonial company in the war of 1812. Samuel Hall was a whig in politics, a Presbyterian in religion, and died in good financial circumstances in 1856. Augustus Hall graduated from the academy at Middleburg, New York, in the early '30s. He studied law with Phineas L. Tracy at Batavia for two years and then with a firm in Mount Pleasant, Ohio, where he was admitted to the bar and began

guns and three cheers.' After which the crowd repaired to the Brownville House where they were entertained for a couple of hours by speeches from Messrs. [Thomas W.] Tipton, [Richard] Brown, [Daniel L.] McGary, [Robert W.] Furnas, [Andrew S.] Holladay, [Richard J.] Whitney,[1] [James W.] Coleman, and [David] Siegel."[2]

At Nebraska City there is rejoicing in the same strain, and in the expression of public feeling is found, also, illustration of the timeliness of the relief:

"This will be joyful intelligence to many squatters and will inure, it is believed, greatly to the benefit and prosperity of the territory. Cartloads of land warrants have been hauled into this city, and we presume have also been at Omaha and Brownville, for the purpose of locating them—securing for non-resident speculators land worth from ten to twelve dollars per acre at from ninety cents to one dollar per acre.

"The large amount of land which would have passed into the hands of land sharks will be reserved, for one year at least, for the settler."[3]

DR. ANDREW S. HOLLADAY[5]

Both the newspapers named give credit to the ambassadors from the land district for the result, and the *News* turns a political and also an immigration penny by observing: "Such is the judicious care of the administration for the people now in Nebraska and who may hereafter settle here."[4]

Reanimated by the postponement of the land sales the people see other rays of hope, and the press begins to find and inspire encouragement in the growth of population, shown by comparison of the vote of 1857 and 1858, as follows: Dakota county, 470–440, loss 30 Douglas, 1,536–1,059, loss 477: Nemaha, 448–664, gain 216; Otoe, 876–1,090, gain 214; Richardson, 252–524, gain 272; Sarpy, 513–401, loss 112. The *News* exultantly exclaims that "there was a falling off in Douglas county in 1858 of 477 votes. There was a gain in Otoe county of 214 votes. So much for the old rivals—rivals no more." It appears from the controversy that Nebraska City cast 865 votes, while Omaha cast but 675.

Following soon after the elections, which were held on the first Monday of August, Governor Richardson issued the following call

the practice of his profession, and was subsequently elected prosecuting attorney of the county. Going from Ohio to Iowa, he settled at Keosauqua, Van Buren county, where he was associated for a time in the practice of law with Judge Nourse, and afterwards with J. F. Smith. In 1872 he was presidential elector for Franklin Pierce, and in 1854 he was elected to Congress, serving two terms. In January, 1858, he was appointed by President Buchanan chief justice of the territory of Nebraska, and removed immediately to Bellevue, holding the office until his death in 1861. He was married in 1853 at Batavia, New York, to Jane B. Smith of that place, a lineal descendant of Cotton Mather. She was born March 31, 1823, and received a finished education at Batavia seminary and in a seminary at Lima, New York. Mrs. Hall is still living (1904). But one child was born of this union, Richard Smith Hall. Augustus Hall was a democrat in politics and a charter member of the first lodge of Free Masons instituted in Nebraska. This was known as Nebraska Lodge No. 1 at Bellevue and was later (1888) removed to Omaha. Hall county was named in his honor.

[1] Richard J. Whitney was one of the first settlers of Brownville, and probate judge of Nemaha county in 1858–59. He was president of the "Anti-Horse-Thief Society," organized at Brownville, August 7, 1858; and president of the St. George Town company, organized June 19, 1858. He died about 1870.

[2] Nebraska *Advertiser*, September 9, 1858.

[3] Nebraska City *News*, September 4, 1858.

[4] Ibid.

[5] Dr. Andrew S. Holladay was a pioneer physician and Christian preacher of Nemaha county. He was born September 18, 1827, in Carlisle, Kentucky. After receiving a common school education in his native state, he began the study of medicine at Weston, Missouri, and in February, 1851, graduated from the medical department of St. Louis university. He emigrated to California, where he re-

for a special session of the legislature to convene September 21, 1858:

"EXECUTIVE DEPARTMENT, Neb. Ter.
"August 14th, 1858.

"Whereas, great confusion and uncertainty characterize the existing laws of this territory, and whereas they are so conflicting with each other that reasonable fears are entertained that there is not that ample security to life and property that should be guaranteed to every citizen of the territory; and whereas, under this conflict of laws much unnecessary litigation must transpire; and whereas, nothing but speedy, judicious and efficient legislative action can remove these evils, it is thus rendered necessary to convene the legislature in advance of the time fixed by law. Now, therefore, I, William A. Richardson, Governor of the territory of Nebraska, by virtue of the power vested in me by law, issue this my proclamation convening the legislative assembly on Tuesday, the twenty-first day of September next, at the seat of government of the said territory.

"In testimony whereof I have hereunto set my hand, and caused to be affixed the great seal of the territory.

"Done at Omaha this 14th day of August, 1858.

"W. A. RICHARDSON,
"*Governor of Nebraska.*"

"By the Governor,
"J. S. Morton,
"Secretary of the Territory."[1]

The newspapers indulged in some half-serious badinage as to the location of the seat of government—whether at Omaha, or at Neapolis, where the Florence act had authorized it to go.

"We hear considerable talk among the newly elect as to where the seat of government is and where the legislation is to be done this winter. Some talk of Neapolis; but where is it? How far from a 'local habitation?' What is the route, and what is the prospect of getting pay for services rendered? . . .

"But a portion of the commissioners met, if we are not in error, several weeks since at Bellevue and had their bond approved by the chief justice of the territory. A great ado was made at the time by the Florence journals. The approval of the bond by Chief Justice Hall was construed into an affirmative expression of opinion touching the validity of the resolutions passed by the fugitive legislature. The capitol had been removed from Omaha and was to be located at once. Since which memorable time—the approval of the bond—we have heard nothing of the new capitol. Of course we are in blissful ignorance whether it is at Neapolis or at Omaha."[2]

The fact that the Omaha stay-at-homes of the fourth session were awarded their per diem by their federal paymaster while he denied it to the Florence emigrants would have a strong repressing influence on any recurring inclination to legislative tramping. The legislature convened at Omaha according to the call, and the full membership—thirteen councilmen and thirty-five members of the house—appeared and qualified.

There is no available record of any new apportionment of members of this legislature and no record of the votes of counties in detail. In the lists of members in the newspapers and in the journals of the council and house there is no mention of Cuming county, which was in the same district with Burt, or of Clay, Lancaster, and Gage, which belonged to the Cass district.[3]

---

mained until 1855, and in November of that year settled in Brownville, where he was the first regular physician, and established the first drug store. He was elected the first mayor, and in February, 1857, he entered the town site of Brownville. In 1860 he founded the *Union*, as a unionist democratic organ. He was elected to the 8th territorial assembly, and elected to the council in the fall of 1864, serving in the tenth and eleventh sessions of the assembly. In 1862 he was appointed acting assisting surgeon by Colonel Furnas and accompanied him on his expedition to Kansas and the Cherokee country. He was the second postmaster of Brownville, and in 1868 he founded the present Auburn *Granger* under the name of *Democrat*. Dr. Holladay married Lucretia R. Pfouts, who bore him two daughters, Helen C., now Mrs. Robinson of Chicago, Ill., and Mollie, who married DeLos T. Smith, now a resident of Lincoln, and died November 10, 1877. Dr. Holladay was a brother of Ben Holladay, the noted overland transportation manager. He died in Brownville, October 9, 1897. Mrs. Holladay died in Chicago, January 16, 1900, aged sixty-five years.

[1] Nebraska *Advertiser*, August 19, 1858.

[2] Nebraska City *News*, August 14, 1858.

[3] The council districts were represented as follows: *Burt*, *Sarpy*, and *Washington* counties, George W. Doane; *Cass* county, Dr. Edmund A. Donelan; *Cass*, *Dodge*, and *Otoe* counties, John H. Cheever; *Dakota* county, William G. Crawford; *Douglas* county, George L. Miller, William E. Moore, John R. Porter; *Nemaha* county, Robert W. Furnas; *Otoe* county, Mills S. Reeves, William H. Taylor; *Pawnee* and *Richardson* counties, Elmer S. Dundy; *Sarpy* county, Leavitt L. Bowen; *Washington* county, George E. Scott. Charles McDonald at

ELMER S. DUNDY

The exact partisan division of the two houses can not be ascertained. The metamorphosis from democracy to republicanism going on at this time was in various stages—most of the subjects being merely embryonic, while few were full-fledged. This could not be said of partisan epithets, for they came forth in prolific maturity from the democratic press, and especially from the *News*. This journal complained—October 30—that the house was one hundred and eighty bills behind the council, and because "the house is heavily black republican, while the council has a heavy democratic majority, in fact, according to the classification of the black republican journal at the capital, there is not an open and avowed republican in the council." The *Advertiser*[1] classes Marquett, De Puy, Daily, Stewart, the two Davises,[2] Taffe, and Collier as republicans, and Mason as a whig. Bowen, Furnas, Reeves, and McDonald, members of the preceding, or fourth council, were again elected to the fifth, and Dr. George L. Miller, who was a member of the house in the 2d assembly and of the council in the 3d, is returned to the fifth council. William H. Taylor, from Otoe county, is an energetic, aspiring, and noisy politician. Though a Virginian he is making up to the coming Republican party—is perhaps more nearly a republican than any other member of the council. He is called "Handbill Taylor" because, though a public lawmaker, he is, as convenience or whim moves him, a law unto himself, and is prone to post bills of warning of disastrous physical results awaiting those who offend him.

McDonald's seat in the council was contested by Elmer S. Dundy.[3] After holding the seat until October 7, McDonald complains

first took the seat which was successfully contested by Elmer S. Dundy.

The representation in the house was as follows: *Burt* county, David L. Collier; *Cass* county, William R. Davis, William J. Young, Turner M. Marquett, Robert G. Doom; *Cedar*, *Dakota*, and *L'eauqui-court* counties, Downer T. Bramble, John Taffe; *Dodge* and *Platte* counties, Henry W. De Puy; *Douglas* county, Clinton Briggs, George Clayes, William A. Gwyer, Augustus Roeder, Dr. James H. Seymour, Robert W. Steele, John A. Steinberger, James Stewart; *Nemaha* and *Johnson* counties, Milton F. Clark, Samuel G. Daily, Jesse Noel; *Otoe* county, Hiram P. Bennet, John Cassell, William B. Hail, George F. Lee, Oliver P. Mason, James B. Wasson; *Pawnee* and *Richardson* counties, Archibald C. Dean, William C. Fleming, James D. Ramsey; *Sarpy* county, Charles C. Norwood, Benjamin P. Rankin, Matthew J. Shields, Stephen H. Wattles; *Washington* county, Charles D. Davis, Paris G. Cooper, Lewis M. Kline.

[1] October 21, 1858.

[2] William R. Davis was born in Yadkin county, North Carolina, November 26, 1824. Here, also, he was married to Margaret A. Bohannan, and in 1852 moved to Iowa, and in 1857 settled in Cass county, Nebraska. Mr. Davis represented Cass county in the house of the 5th, 6th, and 7th territorial assemblies. He enlisted for the Civil war in company C, battalion of Nebraska volunteer cavalry. During his army service his wife died, December 10, 1864, and he was discharged by his own request, December 17, 1865. In August, 1866, he married Miss Hannah C. Coleman, and in 1868 engaged in the general merchandise business at Seward, Nebraska, with his son-in-law, J. N. Beatty, which partnership continued until 1878, the two younger sons of Mr. Davis later becoming associated with him. The children of his first wife were Rebecca, married J. N. Beatty; Annice, deceased, married McD. Towner of Seward; Martha, married Jasper Roberts; Abner Y.; Major A. V.; Josephine, married A. C. Hull; and two died in infancy. The second wife bore him two children, Nellie R. and Frank R. Mr. Davis died July 23, 1899.

[3] Elmer S. Dundy was born March 5, 1830, in Trumbull county, Ohio, and died in Nebraska, October 28, 1896. He was of Protestant German ancestry, his progenitors settling in eastern Pennsylvania and Maryland in the early part of the seventeenth century. His boyhood was spent on the home farm, and about 1850 the family moved to Clearfield county, Pennsylvania, where young Dundy taught several terms of district school, and then settled in the town of Clearfield, where he became principal of schools. While engaged in teaching, he pursued the study of law in the office of William A. Wallace, a leading democratic politician of Pennsylvania, who afterwards achieved national prominence. Mr. Dundy was admitted to the Clearfield county bar in 1853. In 1857 he arrived at Nebraska City, Nebraska territory, coming by steamboat from St. Louis. After remaining at Nebraska City a few weeks he removed to Archer, then the county seat of Richardson county. When the town of Falls City was laid out, Mr. Dundy removed to that place, where he continued to reside until his death. He was elected to the council of the territorial assembly in the fall of 1858 and reelected in 1860. From 1858 to 1863 he was active in the practice of his profession. In the latter year he was appointed by President Lincoln associate justice of the supreme court of the territory of Nebraska. His district extended from the Platte river south to the Kansas line and covered about one-half of the organized counties of the territory of Nebraska. "He held court in each county twice a year; and then during the winter months, the three district justices sitting *en banc* at Omaha, composed the supreme court to sit in judgment upon such cases as were appealed or brought on writ of error from the several district courts." Retiring from the bench, he practiced for one year, and in May, 1868, he was appointed by President Johnson, after a bitter and protracted struggle, United States district

that he has not been allowed time to establish his right, and resigns; and thus opens the way for a man who is to cut an important figure in Nebraska politics. Mr. McDonald, still (1904) vigorous in mind and body, is in the banking business at North Platte, Nebraska. In speaking of this contest he explained that some democrats were inclined to desert him and that they were cajoled into doing this by Mr. Dundy who, before he was seated, pretended to be a democrat and made democratic speeches, but soon afterward acted as a thorough republican.

George W. Doane also begins a long and useful public career. Two members of the house, Oliver P. Mason and Turner M. Marquett[1]—the latter reelected—are destined to be prominent figures in the commonwealth for

judge for the district of Nebraska, which office he held until his death, October 28, 1896. Judge Dundy was a candidate for United States senator before the 1st state legislature which convened at Omaha, July 4, 1866, but was defeated. Early in 1861 Judge Dundy was married to Miss Mary H. Robertson at Omaha, Nebraska. Four children were born of this union: E. S., Jr., May, Luna, and a daughter who died in childhood. Mrs. Dundy and her son reside in New York city.

[1]Turner Mastin (or "T. M.") Marquett was born on a farm in Clark county, Ohio, July 19, 1829. His father was a man whose culture was beyond the average of that possessed by his fellow farmers, and his mother was a woman of superior intelligence and strength of character, together with a sweetness of Christian spirit that deeply impressed itself on all her children. In such a home Turner spent the days of childhood and early youth, working on a farm, and availing himself in the meanwhile of such limited educational advantages as the few months of public school afforded each year. When he was fourteen years of age his father died, and in a year or two after, the older brother having left the farm, the management of it largely devolved on Turner. This continued for several years. In the meanwhile a thirst for knowledge was developing and plans for his life-work taking definite form, and when quite a youth he settled upon the law. He had become a member of the Methodist church, and some of his friends, especially his old grandmother Wright, a devoted Methodist, tried to persuade him to enter the ministry. Doubtless much of his success in his profession in after years was the result of this early choice and the intelligent and enthusiastic manner in which he prepared himself for it. Throughout his entire life his profession was an overmastering passion. He acquired his preliminary education first in the Springfield high school, then at Wittenberg college, and afterwards at the Ohio state university. His widowed mother was unable to furnish more than a small part of the means necessary, but he reduced the cost of his education to the minimum by boarding himself, and supplementing his means by doing farm work during the vacations, and occasionally teaching a term of school.

In the neighborhood where he lived it was customary during the winter to have debating clubs, at which all the live political questions and current events of this country, and all the rest of the world, were discussed. In these intellectual contests Turner Marquett early became a prominent figure and was in his element. And there never was any doubt but what he would be found on the side of the oppressed.

During his entire life he manifested a strange combination of timidity and modest diffidence, with an absolute absence of fear when stirred up on any question, or when discharging what he clearly saw was duty. This was illustrated by an incident that occurred while teaching a term of school in his own home district. He had occasion to punish one of the pupils somewhat severely, which was resented by an older brother, who threatened to thrash the young teacher. In pursuance of this threat he presented himself at the school house and boldly informed the teacher of the object of his visit. Mr. Marquett coolly remarked that the coat he had on was the only one he had and asked the privilege of laying it aside lest it be injured in the scrimmage. Also that the watch he had was a borrowed one which he did not want to have injured. The absolute coolness of the teacher dazed the assailant, and threw him off his guard. Taking advantage of the situation, the teacher delivered an unexpected but well-directed blow that landed the bully sprawling on the floor. He scrambled up and hastily sneaked out, leaving the field in undisputed possession of the victorious teacher.

When he was ready to begin the practice of his profession, that irrepressible conflict between freedom and slavery in Kansas, and which threatened Nebraska, turned his attention in this direction, and in 1856 at the age of twenty-five, without money, friends, or influence, he settled at Plattsmouth and began his career of nearly forty years in the territory and state. The beginning was very humble. Though he hung out his shingle, no one knew the young man, and not being prepossessing in appearance, clients were few and far between. To assist him to get a start, Burwell Spurlock, now well-known as having charge of the Mothers' Jewels Home at York, Nebraska, himself then a young man just starting out in life, deputy postmaster, and clerk in a store, offered to share his bed with the impecunious young lawyer, who accepted it on condition that he be allowed to render some service as a compensation for this favor, which he did by assisting in the store on busy days. When the thermometer dropped to 40 degrees below zero, as it did occasionally in winter, they supplemented their scanty supply of bed clothing by appropriating sundry overcoats from the stock in the store.

In addition to his intense love for his profession, Mr. Marquett had political ambitions during his first years in Nebraska. Besides the motive of a legitimate personal ambition, there was something about the political situation at that time to constitute a powerful incentive for him to enter the political arena. The famous Kansas-Nebraska bill, by which the territory was organized, virtually repealed the Missouri compromise and let down the bars and made it possible for the admission of Nebraska into the Union as a slave state. With his life-long anti-slavery convictions in full force and raised to a white heat by the outrages being perpetrated in Kansas for the purpose of making that a slave state, it is not surprising that, when, in a little over a year after his arrival, the people of Cass county called him to represent them in the

near forty years. Both are ambitious for political place, both will achieve it temporarily, in about equal measure, and then alike they will win their substantial success and reputation in the practice of law. John Taffe, also an incipient republican, will be well known for a time as delegate to Congress and editorial writer, and Daily will dominate for a

legislature, he readily consented. That he was even then anticipating with confidence still higher honors is manifest from a letter written to his mother after his election to the legislature. After telling her the news of his election, he adds, "I will tell you a secret; I am going to Congress." But it was not long till he learned that there were in practical politics elements other than merit which sometimes determined results. In an address before the supreme court of Nebraska, at a memorial service held by that court after Mr. Marquett's death, Hon. George H. Hastings said:

"Only a few weeks before his death he told me of his unsuccessful contest for political honors, which occurred about the period of the admission of Nebraska to the sisterhood of states. The story so aptly illustrates the character of the man, I can not refrain from giving it. Marquett said, 'After the contest was practically settled, and it had become apparent that I was defeated, my opponent came to me and said, "Marquett, I have you beaten. The place is mine beyond your power to prevent. While the people may be for you, the politicians are with me, for I am a better politician than you are, and know better how to control men. Now, if you will withdraw from the contest, and make my election unanimous, I will take the office and you may distribute the patronage that belongs to it."' Marquett said, 'No; you have beaten me, it is true, because, as you have stated, you are a better politician and a better manipulator of men than I am. You take the office and the patronage as well. I want none of it. I will remain here with the people of Nebraska: I will retain my honor, my practice, and my manhood. In twenty-five years from now the people will inquire where you are, but no one will be able to answer the question. Every one will know where Marquett is. He will be right here in Nebraska, one of the citizens of the state.' He spoke the prophetic truth. During the quarter of a century that has passed since that contest the people of the state of Nebraska have always known where Marquett was. They have known him not only as the great lawyer, jurist, and advocate, but as the friend of the poor and distressed, the unyielding defender of the oppressed, the noble man, the upright citizen." This and some other experiences led him to abandon the political field.

However, before thus abandoning politics, he had been several times elected to the legislature, where he wielded no little influence in shaping the early legislation of the growing territory. It was characteristic of his intense anti-slavery sentiments that at the session in 1859 he introduced a bill prohibiting slavery within the territory. But such was the prejudice against the negro at that time, he met with very little support for his measure. On the contrary his bill was followed by another bill "An act to prevent free negroes or mulattoes from settling or residing in the territory at all." But T. M. Marquett never hesitated to support a cause because it was unpopular and he in the minority. In defense of the despised race he made a minority report in which he used this language: "This bill was largely taken from the slave driver's bill introduced into the legislatures of some of the slave-holding states. To pass this bill would be to pander to the vitiated prejudices of those whose highest and holiest ambition is to perpetuate human slavery."

However, at the session in 1860, Marquett again introduced his bill prohibiting slavery, and it was passed, vetoed by the governor, and passed over the veto by 31 to 2. It went into effect May 1, 1860.

One other event in his short political career may be mentioned. He was elected contingent congressman when the matter of the admission of Nebraska as a state was voted on in 1866. He went to Washington early in the session and remained to the end, working for the admission. He enlisted in the service one of the ablest members of the House, Hon. Samuel Shallabarger, an old Ohio friend, and furnished, at Mr. Shellabarger's request, the brief on which he made his powerful and successful plea for admission. The bill passed over the veto of the president just forty-eight hours before the expiration of that Congress. Mr. Marquett was sworn in and served through the forty-eight hours as Nebraska's first member of Congress.

But from now on T. M. Marquett is to be a man of one work. And first of all he loved his work. Every case seemed to have something in it that took hold of him mightily, and the interests of his client became his own interest. In each case justice ceased to be an abstract something and became concrete in his client, and was begging him to defend her. His sympathies for a fellow man that was down were too keen for him to put much heart in the prosecution of such a man, and he could do his best work only where he could put his whole heart in the case. Hence it was that he always became thoroughly absorbed in his cases, took them to bed with him, and was thinking of them while eating his meals or walking the street. He took them with him on his vacations, and even had his grip packed with papers on the Fitzgerald case when he started for Florida a few days before his death.

This is why he rarely took a vacation. The little nothings that usually made up the social life of pleasure resorts like Manitou or the Hot Springs, to which he was sometimes persuaded to go, were not to his liking, and soon became so irksome that it was always with a sigh of relief and a sense of pleasure that he turned his face homeward where he could resume his beloved work.

Untiring industry was another element that contributed to his success as a lawyer. Few, if any, spent more time and energy than he in the preparation of his cases, and his strength in court was largely due to the fact that he had thoroughly prepared his own side of the case, and also knew about what the other lawyer would do, having carefully studied both sides. Unswerving integrity was another element. He would never persuade a client to go into litigation for the sake of getting a case. On the contrary, he often persuaded litigants to settle out of court, though by so doing he would lose a fee.

T. M. Marquett's career as a lawyer may be divided into two periods. Up to 1871 his practice had been general, covering all the departments of the law. His practice during this period rapidly grew, and it soon came about that he was on one

season as a republican leader. H. P. Bennet, speaker of the house, belonged to the first council, as we have seen, and will also have a long and prominent career in Colorado.

To win distinction in the private walks of life requires ability and character of a high order, and which are rather a hindrance than a help to political preferment; while the suc-

side or the other of nearly every case that was tried in Cass county, and his practice extended to other portions of the state and even to Iowa. But it was not very remunerative, because he was very careless in collecting fees, and would never press a man for money. Hence he made little progress in financial affairs beyond securing a comfortable home and a support for his family. Perhaps the first important work he did was for old Peter A. Sarpy, whose counsel he was towards the close of life, and whose estate he settled up after his death, which occurred soon after Mr. Marquett was employed.

He was always employed by the best class of clients, and in 1871, when the B. & M. R. R. began building its lines in Nebraska, he was invited to become the legal adviser of their Nebraska system, which position he retained to the day of his death. It was about this time that he removed to Lincoln as more convenient for his new work. This was the beginning of the second period of his professional career, and was characterized by the fact that from that time he became a specialist in corporation law. His characteristic thoroughness soon made him an authority in this department, and his counsel was often sought for by corporations other than his own.

Aside from his professional work for the Burlington road there were two great cases with which he was connected as counsel which it is proper to mention. The first was the impeachment trial of Governor Butler, in which he was employed along with Experience Estabrook of Omaha as counsel for the defense. Competent judges agree that in this case he acquitted himself with credit and added to his growing fame as a lawyer. But the celebrated Fitzgerald case which came to him late in his career was perhaps one of the most important, involving, as it did, almost a million dollars. It was a typical case, in that it presented elements that were of a nature to put Mr. Marquett at his best.

John Fitzgerald, a very close personal friend of long years standing, believed that he was about to be defrauded of what he had earned as a contractor in the construction of a part of the Missouri Pacific railroad, by Jay Gould, against whom Mr. Marquett had a strong antipathy, and whose methods he despised. Such was Fitzgerald's confidence in his friend's legal ability and moral integrity that he insisted that Mr. Marquett must conduct the case singly and alone, without even the assistance of his partners.

To this case he gave himself during the last years of his life, and in the final winning of which, some of his friends think, actually sacrificed his life, proving himself a veritable martyr to his devotion to his profession.

His characteristics and standing as a lawyer among his colleagues at the bar will be sufficiently indicated by a few quotations from addresses made by representative lawyers at some of the many memorial services held in the various courts in which he had practiced.

In the U. S. circuit court, district of Nebraska, Genio M. Lambertson said:

"Mr. Marquett was a very able lawyer, with a native relish for legal ideas; while he was well grounded in the cardinal and fundamental principles of the law; while he was tireless in industry and had an unerring instinct for the pivotal, hinging points of a case; while he was fertile in resource and possessed matchless tact and craft, yet he was more than all these. All these qualities helped to make him a successful lawyer, but do not account for the success that came to him in nearly every great case.

"I think his great success as a lawyer and a public man was largely due to the gift of management that he possessed. He was a strategist; and by his tact, skill, and address often succeeded where his other endowments would have failed him. More than that, he was a man of strong character, of potent personality, and wielded an influence hard to define in words, which unconsciously swayed and controlled men whom he could not have reached and ruled by his talents and abilities. I think my meaning may be made clear when I say that the bar, the court, and the state have lost one of the most influential men that ever stood in this arena or held a place in the counsels of the state."

Before the supreme court of Nebraska, Manoah B. Reese said:

"This is, so far as I now recall, the first time this court has ceased from its labors for the purpose of doing homage to the memory of one of its officers who has never been identified with it save as an attorney at the bar. If this is true, there must be some reason for the action of the court and bar, which has not obtained in other cases, for the whole of the pathway of the court is strewn with the tombs of its dead. I presume there has been no year of the court's existence in which some one or more of the practitioners at its bar has not been called to answer to the summons of death, but it has not seemed proper to take judicial notice of the fact until upon the present occasion. I am persuaded, then, that we all agree that the life, services, integrity, ability, and devotion to his profession of our deceased brother, T. M. Marquett, when considered as a whole, command our respect and admiration, and we are here fulfilling a double duty —that of commemorating his virtues and presenting him as a pattern by which we all, with profit, may order our own conduct, and thus leave the world the better by our having lived in it and formed a part of it."

On the same occasion James M. Woolworth said:

"To the judges of this tribunal and to the elder members of the bar the occasion which has arrested for a space the contentions of the forum and the proceedings of the court is one of peculiar and touching solemnity. From the earliest days of the judicial history of Nebraska, Mr. Marquett has been a prominent and familiar figure at the bar. Since we became a state he has been engaged in a very large proportion of the great cases which have been brought here for judgment. Hardly has a term passed at which he has not appeared where I now stand, and with a peculiar power sustained the interests entrusted to him. We shall not see him here again. The ties of long association, of de-

cessful politician, though inferior in these qualities, is kept in the public eye for a season by virtue of his official place. It is not a pleasing or a promising reflection that the brainiest and best men of Nebraska, who in early life took an active part in politics or aspired to political careers, have retired—or, more frequently, have been retired—to private life to the great injury of public interests. Our successful politicians or statesmen will not be offended at this observation; for each will consider himself that exception which goes to prove a general rule.

We see the incipiency of Nebraska republican organization in the legislature in the house of this 5th assembly. Speaker Bennet, himself hesitatingly making ready to desert the whig Baal that was, for the republican god that is or is about to be, puts Mason, who is likewise halting between these two opinions, at the head of the judiciary committee. Daily, Davis, De Puy, Stewart, and Taffe,[1] all classed as republicans, and perhaps others who are coming into the new party fold, "too late to classify," are each put at the head of important committees.

Heretofore the executive messages had been either bright, but adolescent and unripe, or grandiose and verbose. In Governor Richardson's communication to the 5th assembly

lightful comradeship, of affectionate friendship are broken. We remain. We are admonished that the day draws on apace when our places will be vacant.

"One thing must be mentioned with emphasis: Mr. Marquett had a great capacity for work. He mastered every case he tried or argued. He explored with unwearying patience every recess of his case, no matter how obscure nor how remote from the main issue. He understood the facts and he gathered the authorities with the utmost industry. He was never taken by surprise, because he knew what would surprise others. But it would be a mistake to suppose that he ever lost himself in the details of his case. He was always master of the circumstances; they never mastered him. He soon saw what were the facts or the propositions of the law on which it turned, and he held to them with attention, never for a moment diverted by incidents or accidents, or whatever did not make directly to the end. He sometimes piled up authorities to a great height, but never so as to cover from view the principle which established his contention. He was not a case lawyer, although he used cases freely; but all his citations were fused into principles which he had long absorbed into his being."

J. W. Dewcese, his law partner, said: "He was one of the kindest-hearted and most faithful men living. No one ever heard much about his charitable deeds, but last night, Mrs. McCormick, of the charitable organization of Lincoln, said that the poor of the city have lost a faithful friend. The very last thing he did before starting for Florida (his last trip) was to give us several tons of flour to distribute to poor families. He was always a ready and cheerful supporter of our charitable work, and many poor people will miss his bounty."

Mr. Marquett was married to Miss Harriett Borders, November, 1861, and to them were born ten children, three of whom, Mrs. Belle Tefft and Mrs. Gertrude Stoney, of Lincoln, and John Marquett, of Omaha, are still living. One daughter, Mrs. Harriett Fawell, died September 24, 1904. His wife died in 1882 and in 1884 he married Mrs. Stetson. Though greatly absorbed in his business, he was very devoted to his family. No want of theirs would go ungratified if he had the means of supplying it.

On the 12th of November, 1894, while climbing the stairs to the federal court room in Omaha, he was seized with a smothering sensation and fell helpless on the stairway. He was brought to his home in Lincoln, and after several recurring, though less violent attacks, it was deemed advisable to try a change of climate. A special car was provided and furnished with every convenience for the journey, and on the 19th of December, 1894, Mr. and Mrs. Marquett started for Tampa, Florida, in the vain hope of relief from the dreadful suffering caused by the neuralgia of the heart with which he had been afflicted. On their arrival at Tampa, Monday, there seemed to be temporary improvement. But on the Wednesday following, while walking in the rotunda of his hotel, he was seized with a severe nervous affection, which the doctors pronounced a lesion at the base of the brain. He sank rapidly and died December 22, 1894.

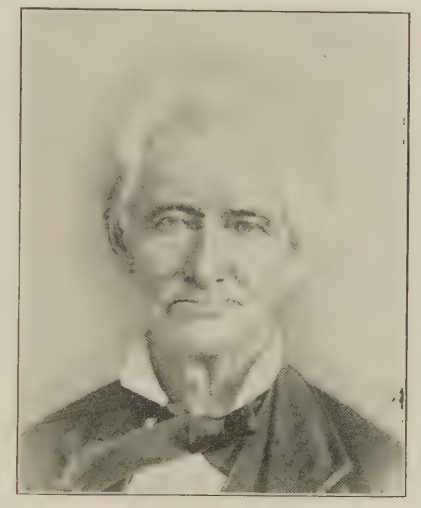
On December 24, after appropriate funeral services at St. Paul's Methodist church, conducted by the pastor, Rev. C. C. Lasby, assisted by Rev. Henry T. Davis, a life-long friend, he was buried in Wyuka cemetery.

[1] John Taffe was born in Indianapolis, Indiana, January 30, 1827, and died at North Platte, Nebraska, March 14, 1884. He received an academic education, studied law, and was admitted to the bar in his native city. He settled in Dakota City, Nebraska, in 1856, and resided there until his election to Congress. He served in the fifth session of the territorial house of representatives in 1859, and in 1860 was elected to the council and made president of that body. In 1862 he was commissioned as major of the 2d Nebraska cavalry, and served for a period of fifteen months. He was twice defeated for nomination for candidate for Congress by Samuel G. Daily, but was elected to the 40th, 41st, and 42d Congresses by very large majorities. After leaving Congress he became editor of the Omaha *Republican*, and after his retirement from this position returned to the practice of law, and became interested in mining operations. He was appointed territorial secretary of Wyoming in 1875. He married the daughter of Col. John Ritchie of Omaha. Mr. Taffe was a slender man, five feet ten inches in height, and weighing 150 pounds, of fair complexion, with a head small at the base and large at the top, with high cheek bones, compressed lips, and deep-set, sharp hazel eyes. He was of a nervous temperament, naturally secretive, and inclined to keep his own counsel. He was congenial in manner and possessed a keen sense of humor.

we have the sharp contrast of maturity, brevity, and straightforward simplicity, with a strong paternal effectiveness. As Cuming and Black have produced the most brilliant, so Richardson has produced the best state papers ever submitted to this commonwealth. He first states the case for the criminal code:

"The only law under which crime can be punished in this territory, is the common law of England. All other criminal laws have been abolished by the act of a previous legislature. The common law of England is so uncertain and doubtful in reference to every proceeding and offense, and its punishment, that every point will have to be adjudicated before even the courts could tell what the law is.

"Thus, while serious doubts have been entertained as to whether some offenses can be punished at all under that law, it has been clear that perjury, forgeries, and all offenses designated as felonies, are punishable with death; a penalty which renders the strict administration of that law repugnant to our ideas of justice and humanity, and inapplicable to the age and country in which we live."



OLNEY HARRINGTON[1]

Next to the important necessity of enacting a wholesome and judicious system of criminal laws is that of "clearly defining the jurisdiction and duties of justices of the peace and other officers." It appears by the auditor's report that "the total outstanding liabilities of the territory are $15,774.95. It will be seen by the treasurer's report that 'five counties only, viz: Dodge, Douglas, Cass, Otoe and Nemaha, have paid any revenue into the territorial treasury, and the counties mentioned have not paid the full amount due of them up to this time.'"

The governor in his message makes this important announcement:

"I issued instructions, during the summer, to the district attorneys to file information in the proper courts against each of the banks that had failed to redeem their notes, when presented for payment, with the view to have their charters forfeited. The cases are now pending, as I am informed, and undecided. While I should not have approved any bank charter that has been adopted in the territory, and while believing the principle upon which they are based wrong, and the effect injurious, I had no intention to interfere with any corporation that had complied with the law."

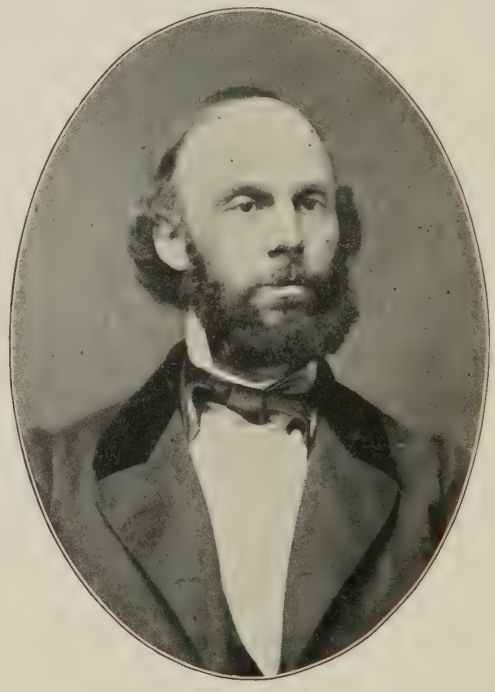
On the subject of military roads the message gives this information: "Appropriations have heretofore been made by Congress to construct two roads in the territory. One from Platte river to L'Eau Qui Court,[2] the other from the Missouri river to Fort Kearney,[3] but have proved inadequate to complete them as designed. A further appropriation is therefore necessary." The message congratulates the people of the territory on

[1]Olney Harrington, son of Job Harrington, was born in New York state in 1805, and died at Tekamah, Nebraska, September 13, 1890. In early manhood he studied law and practiced for several years in Wisconsin. He removed to Nebraska in 1855 and settled on land which is now a part of the present town site of Tekamah, and engaged in farming. In politics he was a democrat; was the first postmaster at Tekamah in 1855; also served several terms as district prosecuting attorney. He was married in 1823 and was the father of six children: Theodore, deceased; Livingston, now of Montana; Wellington; and Rose, residing at Tekamah; Mrs. Ellen Cox of Colorado; and Lodusca, deceased. Mrs. Harrington died in 1873.

[2]This road was the main highway from the Platte to the Niobrara river until the railroads were built. It passed through Omaha, Fort Calhoun, De Soto, Cuming City, Tekamah, Decatur, the Omaha village on the reservation, Omadi, Dakota City, Ponca, St. James, St. Helena, to Niobrara, or L'eau-qui-court, as the place was then called. Eleazer Wakeley, who was judge of the territorial judicial district through which this road passed, at the time it was built, traveled over it, from the first, as far as St. James, in performing his judicial duties. He says that it was a fairly well constructed road with bridges across the streams, and that the present wagon road runs substantially over the same route.

[3]The report of Colonel J. J. Abert, of the 3d artillery, dated November 23, 1857, shows that during the season in question, bridges had been built over the Omaha, Big Papillion, Little Papillion, Raw Hide, and Shell creeks, and that the bridge over the Elkhorn river would be completed before fall. The report says that, lacking a bridge over

its prosperous condition, and states that "We have enough produce to supply the wants of our own people together with those of the emigrant, and yet more for exportation to those upon whom the harvest sun has smiled less propitiously." Notice is taken of the discovery of gold at Cherry creek and of the desirability of a geological survey the better to disclose "those vast stores of mineral and coal which underly the greater portion of the territory." It then predicts that "the Pacific railroad, which thus far has only had its existence in the thoughts and plans of men, will soon become a reality, having a permanent being"; and the idea is reiterated that "the true route for the road and the true interests of its constructors will almost certainly lead it up the rich and beautiful valley of the great Platte."



ELEAZER WAKELEY
COMMISSIONED ASSOCIATE JUSTICE OF THE SUPREME COURT OF NEBRASKA TERRITORY, IN JANUARY, 1857
From a photograph taken in 1859 at the age of 37 years

The 5th assembly was somewhat superior to any of its predecessors in its sense of duty and capacity for rational work. The improvement was due in part to the increasing consciousness of a more permanent character in the growth of population and institutions, largely also to the great influence of the governor. The list of enactments of this legislature is long and important, and comprises a criminal code, a code of procedure, a mechanics' lien law, an improved revenue law, a liquor license law, a general law giving county commissioners power to grant licenses to operators of ferries, a law providing for a territorial board of agriculture, and a new apportionment of members of the legislative assembly. The civil code was copied from that of Ohio,[1] the criminal code from that of New York, "as westernized and adopted by Illinois," and the new school law was the Ohio law, as near as could well be.[2] The liquor license law, which superseded the prohibitory law of the first session, was introduced in the house by Daily on the last day of the session and immediately rushed through the three readings and passage by a vote of 15 to 6. It was evidently a republican measure in this house, receiving the general support of the members of that party, including the leaders, Daily, Marquett, and Mason.[3] It is a curious fact that four of the six opposition votes came from Omaha members. This apparent show of severe Puritan virtue in Omaha seems odd to a familiar, long-time,

the Loup Fork, there would then be a good wagon road, for the dry season, from Omaha to Fort Kearney; but that it would be impassable on account of freshets during the months of April, May, and June. (Ex. Docs., 1st Sess. 35 Cong., vol. 2, pt. 2, p. 293.) Capt. E. G. Beckwith reports September 26, 1858, that the bridge of the Elkhorn, 194 feet long, with an embankment approaching it ¾ of a mile long, had been completed. The report says that if the appropriations for improvements of the Omaha and Ft. Kearney military road had been made in time for carrying the army supplies to Utah that year, one-twelfth of the distance, or one hundred miles, would have been saved. The Mormons, after trying every other route, had followed this exclusively for years, even in its unimproved state. By this route the crossing of the South Platte river with its losses and detentions, the difficult descent to Ash Hollow, and the crossing of the North Platte above were avoided. The greatest obstacle on this route was the Loup Fork, which is described as being about one thousand feet wide for a distance of twenty miles above its mouth. The channel was very changeable, and where it was safe one day there would be miry quicksands the next. (Ex. Docs., 1858–59, vol. 2, pt. 2, p. 1288.) The report of the chief topographical engineer, dated November 11, 1858, says that all bridges on the Omaha and Fort Kearney military road have withstood the heavy freshets of this year, while most other bridges in Kansas and Nebraska have been swept away. This report renews recommendations for an appropriation for bridging the Loup Fork and for small bridges, corduroy crossings, culverts, ditches, and embankments.

[1] Rept. O. P. Mason, H. J., 5th Ter. Sess., p. 195.
[2] Nebraska *Advertiser*, November 11, 1858.
[3] House Journal, 5th Ter. Sess., p. 241.

and present acquaintance of our metropolitan town, and it should be presumed that these apparently prohibitory members preferred the unlicensed freedom of impotent prohibition above the restraints of a license law. The measure passed the council by a vote of 6 to 3, Dundy of Richardson, Porter of Douglas, and Scott of Washington county casting the negative votes. The license system has been adhered to in Nebraska ever since this first law of 1858 was passed. Under the law licenses were issued by the county clerk for not more than one year on payment, for the use of the school fund, of a sum not less than $25, nor more than $500; and reasonable restrictions were imposed upon the licensee.

The act establishing a territorial board of agriculture named as members of the board Thomas Gibson, Harrison Johnson, Alfred D. Jones, Experience Estabrook, John M. Thayer, Christian Bobst, Robert W. Furnas, Jesse Cole,[1] Samuel A. Chambers, Dr. Jerome Hoover, Mills S. Reeves, Braud Cole, Justus C. Lincoln,[2] Harlan Baird, Joel T. Griffin,[3] and Edward H. Chaplin. It was the duty of the board to hold an annual meeting, "for the purpose of deliberating and consulting as to the wants, prospects, and conditions of the agricultural interests throughout the territory," and to receive reports from the subordinate county societies.

On the 30th of October, 1858, the territorial board of agriculture held its first meeting at the Herndon House, Omaha, when officers were elected as follows: President, Robert W. Furnas; secretary, Alfred D. Jones; treasurer, John M. Thayer; board of managers, Edward H. Chaplin of Douglas, Mills S. Reeves of Otoe, Harlan Baird of Dakota, Braud Cole of Cass, Christian Bobst of Pawnee county. The board decided to hold the first territorial fair on the 21st, 22d, and 23d of September, 1859, and the secretary was directed to "engage the services of an orator to deliver the address at the first territorial fair." The all-pervading youthfulness of the commonwealth is illustrated by the fact that

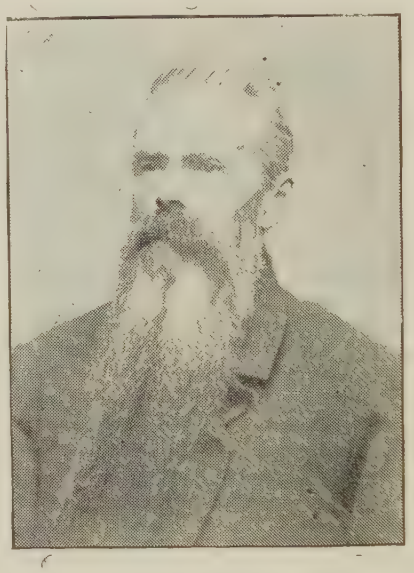
[1] Jesse Cole was born in Franklin county, Kentucky, December 15, 1805, and removed with his parents to Ripley, Indiana, where he grew to manhood. He lived in Shelby county, Indiana, from 1825 to 1844, where, in 1826, he married Alzalina Wheeler, who was born in Adair county, Kentucky, in 1810. Mr. Cole removed to Atchison county, Missouri, with his family, and from there, in the fall of 1854, to Nemaha county, Nebraska, making a claim on sec. 11, Brownville precinct. He was elected a member of the county board of commissioners of Nemaha county in 1857 and 1858. Eight children were born to Mr. and Mrs. Cole: John, Jesse, and Benjamin all died of consumption before reaching middle age, and left families in Nemaha county; Sallie A., Berilla, Lina, Jane A., and Henry G. Jesse Cole died October 28, 1892.

[2] Justus Casner Lincoln was born in Clay county, Missouri, March 25, 1828, and removed to Page county, Iowa, in 1847. In 1849 he crossed the plains to California, where he remained until 1853, when he returned to Missouri. In 1855 he settled in Salem, Nebraska, where he engaged in the mercantile business which he continued up to 1879. He was married in Andrew county, Missouri, July 7, 1853, to Eliza J. Roberts of that county. They had two children: Alice L., now Mrs. W. W. Spurlock, Salem, Nebraska; and Ruth C., who married W. E. Lawler of Trinidad, Colorado. Mr. Lincoln was elected to represent Richardson county in the lower house of the 9th territorial assembly. He was a third cousin of Abraham Lincoln, whom he very much resembled in personal appearance. The town of Salem was laid out by Mr. Lincoln and others in January, 1855, and with Charles McDonald Mr. Lincoln owned what is now known as west Salem. He was the first postmaster of the town and was followed by John W. Holt. Mr. Lincoln died at Salem, Nebraska, May 4, 1893. Mrs. Lincoln died three days previously—May 1, 1893—at the age of sixty years five months and ten days.

[3] Joel Thomson Griffen, son of Stephen and Rachel (Willson) Griffen, was born in Stanfordville, New York, May 22, 1817. His parents were Quakers, and his father a farmer and miller. The latter, it is said, was never heard to utter an oath or to laugh aloud. Joel T. received a common school education and became a mill-wright, which trade he followed in New York, Ohio, and Michigan, his parents having moved to the latter state in 1835. Joel T. Griffen was married June 11, 1840, to Juliette Cobb, a native of New York. She died in Omaha, June 5, 1888. He settled in Michigan and engaged in farming and fruit raising until 1856, when, in May of that year, he settled in Douglas county, Nebraska territory, on the highest point of ground in the county, now within the corporate limits of Omaha. His first house was brought already framed from St. Louis, and was known for many years as the "pine house." Mr. Griffen was a staunch republican in politics and was elected to the lower house of the 7th and 8th territorial assemblies and to the house of representatives in the 2d, 3d, 4th, 5th, 6th, and 7th state legislatures. It was largely through his efforts that capitol square was secured by Omaha for school purposes. He was postmaster of Omaha during 1870 and 1871, but resigned this office to engage in the live stock business. He died March 10, 1884, and was buried under the auspices of the Masonic order, of which he was a member. Of the children of Joel T. Griffen four are living, namely: Joel A., Luthera L., widow of A. A. Egbert, and Mary P., all of Omaha, Nebraska, and Alfred C., who resides at Pierre, South Dakota.

the orator selected—J. Sterling Morton—was twenty-six years old.[1]

The office of attorney general was abolished and his powers and duties transferred to the several district attorneys. This general office was superfluous, since, under the organic act, there was an attorney general whose salary was paid from the federal treasury. The apportionment act increased the members of the house from thirty-five to thirty-nine, the maximum limit of the organic law. Six additional counties were included in this apportionment: Butler, Dixon, Calhoun, Greene, Hall, and Monroe, but of these only Butler, Dixon, and Hall were ever permanently organized, though Calhoun and Monroe undertook to vote once—in 1859. The organization of only two new counties, Hall and Merrick, was authorized at this session. The usual large number of bills for territorial roads and incorporations were passed. The salary of the auditor was raised to $800 and that of the treasurer to $400. The memorial to Congress for a geological survey recites that "it is well known that extensive coal fields underlie large portions of our fertile prairies," and that "gold exists at the base of the Rocky mountains to an equal extent to the placers and mines of California." Another memorial prays Congress to place the school lands, secs. 16 and 36, under control of the legislature, but for leasing, not for selling. Still another memorial gives us the information that "a military or public road, beginning at L'Eau Qui Court, and extending southward across the territory, has been located and opened under the direction of the national government, and has become a great thoroughfare whereon military supplies may be expeditiously transported northward. It also affords an avenue of trade of great advantage to the inhabitants of this territory and others and is now one of the prominent mail routes of the territory." But the memorial prays for the construction of a bridge across the Platte "at the point where said road reaches the same," for the reason that "this river constitutes an almost unpassable barrier between the two great sections of our territory, and on account of the great difficulty and very often imminent danger in crossing the same by means of a ferry, travel and the mails are much impeded, and at times are altogether stopped."



HARLAN BAIRD[2]

A serious question arose early in this special session as to how it might be utilized to

[1] Rept. Proc. Board of Agri., Council Journal, 6th Sess., p. 140.

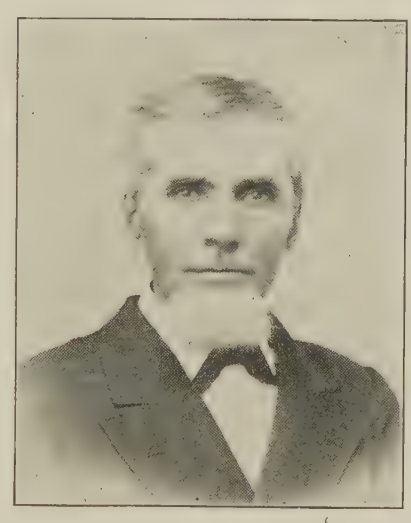
[2] Col. Harlan Baird, son of John and Nancy (Rhodes) Baird, was born in Manson county, Kentucky, April 22, 1823, and died in Dakota county, Nebraska, January 25, 1901. He was closely related to the famous Harlan family of which Chief Justice Harlan was a member, and received his name from this fact. In 1828 he removed with his parents to Boone county, Indiana, and when he had reached manhood he took a contract for building a section of the first railroad in Indiana. Later he engaged in the live stock business, which he followed for about six years. In 1852 he removed to Butler county, Iowa, where he entered the real estate business and farmed. He crossed the Missouri river September 27, 1855, and settled on a claim in Dakota county, eight miles southeast of Dakota City, in Omadi precinct, where he resided until his death. With the beginning of the Civil war he enlisted, November 13, 1861, in company D, Curtis' horse, which afterwards united with the 5th Iowa cavalry. He was made captain of company D and, November 1, 1862, was promoted to the rank of major. He was appointed lieutenant-colonel to date from November 19, 1864, vice M. T. Patrick, resigned, and was mustered out June 26, 1865. He was elected to represent the first senatorial district in the 2d, 3d, and 4th state legislatures, and in the 20th legislature represented the 16th representative district, or Dakota county. On the question of removing the capital from Omaha, Colonel Baird voted for Columbus, and on the final vote, which located the capital at Lincoln, his was the only vote cast for Columbus. In politics he was an unswerving and uncompromising republican. He was a charter member of Omadi Lodge No. 5, A. F. and A. M., and always its enthusiastic supporter. He

draw the federal expense stipend as if it were regular, but the comptroller of the treasury cleared up that question in a communication to Secretary Morton as follows:

"If the convened session, which met on the 4th instant, shall adjourn at the end of forty days from the commencement of the called or extraordinary session, thus constituting the two one continued session of that number of days, the entire per diem and mileage may be paid to the members and per diem to the officers; but if the session which convened on the 4th instant shall, of itself, continue forty days in addition to the thirteen occupied by that which was called by the governor, then you will pay the per diem and mileage of the regular or convened session only, and take no notice of the extraordinary session, leaving their compensation for the determination of Congress."[1]

Mr. Mason of the judiciary committee, to which a bill to make the special session regular by changing the law of the previous session fixing the time for the convening of the regular session, was referred, reported in its favor, while the majority of the committee, headed by Marquett, reported against the scheme, fearing that necessary legislation could not be passed in the regular forty days.[2] A compromise was agreed to by which the bill was amended so that the regular session should begin on October 4, the organization of the special session to continue through the remaining or regular part of the session, and Congress was memorialized to make an appropriation to cover the expense of the special portion of the sitting.

A bill providing that in all suits in law and chancery there should be no trial until the second term raised a heated controversy, Rankin and Kline of the select committee, to whom the bill was referred, insisting that the financial embarrassment of the people demanded such protection, while Mason and Collier contended that it was vicious and unconstitutional.[3] In the council it was vigorously opposed by Doane,[4] but it nevertheless became a law. In similar circumstances we have since seen the courts arbitrarily go much further than the provision of this act would allow, in delaying suits against creditors. A council bill and also a house bill which provided for the exemption of homesteads from execution aroused a remarkable discussion. The report of Mr. Mason of the judiciary committee of the council in favor of the bill is a sample of his well-known grandiose style. Judge Mason's singular



BRAUD COLE[5]

was married in 1852 to Miss Jane Wamsley, who died June 5, 1888, leaving three children, Thomas C., Henry Clay, and Emma, who married Benjamin Bridenbaugh.

[1] House Journal, 5th Ter. Sess., p. 183.

[2] Ibid., p. 36.

[3] Ibid., p. 89.

[4] Council Journal, 5th Ter. Sess., p. 87.

[5] Braud Cole, member of the 3d territorial assembly of Nebraska, was born in Pickaway county, Ohio, February 20, 1824. His father, Shadrach Cole, and his grandfather, Braud Cole, were both born in Baltimore county, Maryland. The family removed to Fairfield, Ohio, as early as 1805 and later to Pickaway county, where Shadrach Cole died, September 24, 1845. Braud Cole received a liberal education largely through his own efforts, earning the necessary means by teaching school. He removed to Lee county, Iowa, in 1851, and in 1853 returned to Ohio, where he married Harriet Bruner. They resided in Iowa until 1854, and, in the fall of that year, removed to Nebraska territory, and settled two miles southwest of Plattsmouth, where, in 1857, Mr. Cole planted the first extensive orchard in the territory, containing 2,000 trees. He was secretary of the first claim club in Cass county, which was organized upon his suggestion. It is said that it was Mr. Cole who proposed the name of Plattsmouth for the present county seat of Cass county. He was elected a member of the house of the 3d territorial assembly of Nebraska, where he secured the passage of the first law prohibiting stock from running at large. In 1864 Mr. Cole disposed of his interests in Cass county, and removed to Grand Traverse county, Michigan, but soon returned to Nebraska. In 1872 he moved with his family to Baldwin City, Kansas, but in 1874 returned and settled in South Bend precinct, Cass county, where he resided until his death, which occurred at Ashland, Nebraska, February 18, 1901. Mr. and Mrs. Cole were the parents of eight children: Lester O., deceased; Ira A., deceased; Alsa

misconception at that time of an economic system which is the basis of the world's business is shown in the last paragraph of the report: "Another great benefit, universal in its application, which would result from the passage of a liberal homestead law, would be the blow that would be given to the credit system, that most dangerous of all systems, which destroys alike all who trust to the plaudits of its admirers."[1] It seems safe to venture the opinion that in point of rhetorical inflation and floridity the report of Rankin of the house excels all other state papers recorded or otherwise. Our present day legislators might often equal it but seldom dare to on account of the ridicule of an ubiquitous and relentless press. A part of Rankin's remarkable plea follows:

"A homestead, in the true sense of the term, whether it be the humble cabin or the princely palace, is the center of the family circle, and the family affections with all the household goods and sacred memories clustering around it. The very term suggests a something which should be secured beyond the reach of misfortune, and its holy precincts should never be invaded by the ruthless tread of the officers of the law. Sheriff, spare that home!

CHRISTIAN BOBST[4]
FIRST SETTLER OF PAWNEE COUNTY

"If you tear it from the possession of the owner, and drive him with his wife and children to seek new scenes, you harden a sensitive heart, and strike a fatal blow at that love and pride of state which should swell the heart of every citizen.

"A home, with all of its endearments for every family, is the country's best guaranty of good citizenship and patriotic population. Without it we are Arabs on the plain of life, deprived of those attachments and affections which are awakened and kept warm by the thoughts of 'Home, sweet Home.'

"The shade tree planted by the father in early manhood, and protecting his children from the suns of summer; the murmuring brook which mirrored the smiles of infancy; the woodbine planted aud trained by the mother who is no more! Who shall give value to these, and who would not guard them from the sacrilegious touch of all invaders?"[2]

The controversy in the council was over the question as to the number of acres which should comprise the protected homestead. Dr. Miller favored forty acres, Doane eighty, and Porter one hundred and sixty. There were four votes out of nine for the largest amount, and then Doane's motion for the exemption of eighty acres was carried by a vote of 7 to 3,[3] and the bill itself was passed

Almeda, married Rev. Thomas H. Worley, Weeping Water, Nebraska; Sylvia E., married Rev. T. H. Stull, Superior, Nebraska; Myra B., married Professor Andrus, Santa Barbara, California; Oran, deceased; Harland, deceased; and Emory B., South Bend, Nebraska. Mrs. Cole died June 2, 1886.

[1] House Journal, 5th Ter. Sess., p. 68.

[2] Ibid., p. 106.

[3] Council Journal, 5th Ter. Sess., p. 115.

[4] Christian Bobst, the first settler of Pawnee county, was born September 4, 1802, in Reading, Pennsylvania, and died October 1, 1859, in Pawnee county, Nebraska. He was a son of Simon Bobst and was of German descent. He was educated in his native town, and after leaving school learned the hatter's trade, at which he worked for some years. Later he moved to Rushville, Fairfield county, Ohio, and engaged in the mercantile business until 1854. On April 1st of that year he started west, going by boat from Zanesville, Ohio, to St. Louis, then up the Missouri river to St. Joseph. He arrived in the territory of Nebraska, April 12, 1854, his family coming a few days later. Mr. Bobst took an active part in the affairs of early territorial days, and held many positions of trust. In 1855 he was appointed the first probate judge of Pawnee county. He was also county treasurer in 1856–57 and was the first postmaster appointed in southeastern Nebraska, the distributing office being at Pleasant Valley, where mail was distributed for Table Rock, Pawnee, Humboldt, Middleburg, Nebraska, and Farmington, Kansas. Judge Bobst was married November 18, 1824, to Sarah Book of

by a vote of 6 to 3, the nays being Donelan, Moore, and Miller.[1] In the house there was a struggle by the minority to incorporate a limitation in value of the exemption, and Clayes and Gwyer, a special committee, in their report said:

"Your committee are satisfied that the passage of a homestead law, without limitation of value, would result to the prejudice of a large majority of the people of the territory. It would enable the debtor to live in luxury, and enjoy a life of abundance and ease, while his many creditors, the victims of fraud, would be debarred all remedy. It would prove the refuge of fraud and injustice after a successful conspiracy to obtain the fruits of honest labor. Upon this subject the diversity of opinion between the majority and minority proved so great, that a compromise was impossible."[2]

LEONARD BATES[8]

Thirteen motions were made to fix the value of the exemption at as many different amounts from one dollar to ten thousand dollars. Mason wanted $150 and Daily $1,000.[3] Votes were taken on nine of these motions and all were defeated, and then Rankin's motion to fix the exemption limitation as to value at "160 acres of land with the improvements thereon" was also defeated.[4] The house then amended the council bill by inserting after "family homestead" the words, "every free white householder of this territory, male or female, being an owner or occupant of the premises," and passed it by a vote of eighteen to thirteen.[5] The council refused to concur in the amendment. The *Advertiser*[6] explained the objection as follows: "An amendment was tacked on in favor of single white persons which the council refused to concur in." A majority of a conference committee recommended passage of the bill without the amendment, but Gwyer's minority report expressed the sentiment of the majority of the house: "The undersigned is firmly impressed with the opinion that a homestead bill having as its principal feature a limitation value is best adapted to the wants of the people of the territory and will best subserve the interest of the creditor as well as the debtor."[7] The house refused to recede, and the bill died from inaction. The *Advertiser* of November 4 says: "Messrs. Clayes, Daily, Marquett,

Pennsylvania, and twelve children were born to them, three of whom are now (1904) living: Mrs. Mary Brown, Dubois, Nebraska; Mrs. Martha Bryant, Sundance, Wyoming; and Samuel B. Bobst of Humboldt. Samuel Bobst was born in Rushville, Ohio, March 28, 1846, and came to Nebraska with his father in 1854. He first attended the common schools of Ohio but completed his education in a little log school house in Nebraska. In 1862 he enlisted for nine months in company G, 2d Nebraska cavalry, but served for sixteen months. In 1864 he enlisted in the 16th Kansas cavalry, serving until the close of the war. He was married in 1873 to Susan M. Plummer of Firth, Nebraska, and one son has been born to them: William E., a resident of Chicago. Mr. Bobst is an enthusiastic republican, and has been an active citizen of Humboldt for twenty-two years, and has the distinction of having been a resident of Nebraska for fifty years. George F., another son of Christian Bobst, was born and reared in Ohio and followed the trade of a tailor until June, 1854, when he settled in Pawnee county, Nebraska territory, and engaged in farming and stock raising. He was married June 11, 1863, to Mary E. Taylor, a native of Massachusetts. They raised eight children: Robert, Mattie, Mary, Emily, Minnie, Grace, Maude, and Edmund.

[1] Council Journal, 5th Ter. Sess., p. 117.

[2] House Journal, 5th Ter. Sess., p. 103.

[3] Ibid., p. 131.

[4] Ibid., p. 136.

[5] Ibid., p. 137.

[6] November, 1858.

[7] House Journal, 5th Ter. Sess., p. 226.

[8] Leonard Bates, born in Windsor county, Vermont, April 5, 1833, removed with his parents to Indiana, where he attended the public schools. He went to Lynn county, Iowa, in 1847 and began farming. In 1852 he settled on a claim in Woodbury county, Iowa, and was employed by the government to survey township lines. In the fall of 1855 he took a claim in Dakota county, where he resided until the later '90s, when he removed to Los Angeles, California. Mr. Bates was four times elected surveyor of Dakota county, as a republican, and was chosen president of the Old Settlers' association, September 1, 1888. He was married February 27, 1860, to May Weaver. They had six children, five of whom are living. After the death of his first wife, Mr. Bates married the widow of J. D. M. Crockwell.

Collier, Gwyer, Stewart,[1] Fleming, Steele,[2] Steinberger, Kline,[3] Rankin, and Mason were the principal talkers, the first five being supporters of the money valuation clause, and the latter seven for the council bill which includes only a land limit." The Nebraska *News* of October 30, under the mistaken notion that the bill had passed, furiously lashes the legislature for its folly. One who came to know Morton forty years later would easily discern his predilections and methods in these strictures:

"We understand our wise Solons and great men of integrity have passed an act which they term a homestead bill, but which is in reality meant as a plantation-saving act, and which with other acts passed by the present legislature will put a most effectual estoppel upon all legal proceedings for the collection of debts. . . .

"If our incomprehensibly wise and unfathomably deep legislators really wanted to abolish the credit system instead of coaxing a man to run into debt, and then cheat his creditors out of their pay, why didn't they come out manfully and abolish all laws for the collection of debts instead of sneaking about with this false appearance of legislative knowledge, judicial sagacity, and smart lawyer tricks with 'stays' and 'exemptions' and plantation-saving acts under the name of homestead bills? . . . If our legislators expected to afford a purgative to the woefully costive and inexpressibly tight times—if they desire to legislate men out of debt, they must of course be aware that they could do no such thing, however much credit they expected to gain for themselves in their quack attempts in this direction. . . .

"The advantages to be derived from such laws are, as we view them, small indeed, while the disadvantages and positive injury are sensibly felt and vividly witnessed upon the growth and prosperity of a country which enacts them. We cannot see the sense or advantage in destroying our credit abroad, blasting our reputation, driving men of capital out of the territory and presenting an insuperable bar to the ingress of such; we

[1]James S. Stewart, member of the house of the 3d, 4th, and 5th territorial assemblies of Nebraska, representing Washington county, was born in Maysville, Kentucky, May 14, 1823, and died in Blair, Nebraska, August 10, 1893. He was of Scotch descent, the son of George and Eliza (Smiley) Stewart, the former born in Westmoreland county, Pennsylvania, in 1799 and the latter in Scotland about 1801. The family removed to Kentucky in 1822, settling at Louisville, where James S. received his early education in the subscription schools, supplemented by a partial course in a seminary. In the '40s he went to Salem, Indiana, where he engaged in the mercantile business until his removal to Nebraska territory, where he settled on a farm one and one-half miles from Blair, Washington county, in the fall of 1857. He was married at Salem, Indiana, to Mary A. Hungate, a native of Kentucky, born March 23, 1824. The following children were born to them: James H., Amanda, married Samuel Warrick; Edgar A., Grant, and Kermott. Mrs. Stewart died in 1890. Mr. Stewart was a republican in politics and served as county commissioner of Washington county from 1860 to 1869 inclusive. He was a member of the Independent Order of Odd Fellows, a master Mason, and a member of the Baptist church.

[2]Robert W. Steele was elected provisional governor of the proposed territory of Jefferson. He was an energetic, sanguine man, tall, angular, and rather rough, but possessed good common sense and honesty. He was born in Ohio in 1820, removed into Iowa in 1846, where he studied law, and to Omaha in 1855, where he represented Douglas county in the territorial legislature of 1858 and '59. He then went to Denver and Central City, where he was president of the Consolidated Ditch company. He was governor until June, 1861, when the regularly appointed officers of the territory of Colorado arrived. He settled at Golden, but removed to Empire in 1862 and afterward to Georgetown. In 1864 he was one of the party which discovered the Argentine district and Belmont lode, the first paying silver mine in Colorado. This was named after August Belmont of New York.

[3]Lewis M. Kline was born in Louden county, Virginia, January 27, 1815, and was descended from one of three brothers who emigrated from Germany before the Revolutionary war, all of whom served under Washington. Of the three brothers, one settled in Baltimore under the name of Small; one settled near Baltimore, and was known by the name of Little, while the third settled in Frederick City, Maryland, and called himself Kline, or Klein, as written in German and meaning "small" or "little;" and from this branch of the family, Lewis M. Kline was descended. As a boy he served five years as a cabinet maker's apprentice, and when twenty years of age visited New Orleans and other points in the South. In 1840 he engaged in the commission business in St. Louis, first as a clerk and later upon his own account. After two years in St. Louis he returned to Baltimore and engaged with a jobbing house for two years; then spent the same time in the same line of business in Philadelphia, moving from there to Uniontown, Pennsylvania, where he established a general store. In 1848 he married Emily Ritenhouse, and in 1849 settled in Salem, Henry county, Iowa. The following spring he started overland for Oregon, but on account of high water and sickness stopped at Kanesville (Council Bluffs), where he resided six years, engaged in farming and hotel keeping, being elected the first mayor of Council Bluffs after its organization as a city. In 1856 he removed to Cuming City, Nebraska territory, and in 1858 was elected a member of the house in the territorial legislature, representing Washington county. He practiced law at Cuming City; published the Nebraska *Pioneer*, and served as mayor in 1857.

do not see sense in the practice of legislative tricks — political ledgerdemain — inevitably leading to such results."[1]

Though homestead and other property exemption laws have been validated since by the wisdom of most of the states, yet to the last Morton never changed his opinion thus expressed. This considerable attention to the first tumultuous discussion of homestead exemption in Nebraska seems warranted as an interesting illustration, when contrasted with the present general acquiescence in such laws, of the rapid adaptation of means to ends and of measures to environment which is common in western societies.

Disgust with the Florence fiasco, the firm and effective attitude and influence of Governor Richardson, the suspension of Morton's anti-Omaha hostility at the fourth session. and the growing general feeling that the removal of the capital at this time was impracticable enabled Councilman Furnas to report early in the session that "the capital question is not spoken of by anyone."[2] So great was the change, or the suspension of sentiment, that a representative—perhaps apostate—from implacable and irreconcilable Sarpy[3] dared to introduce a joint resolution and memorial to Congress praying for an appropriation of $30,000 for completing the capitol, and it passed the house without division.[4] The resolution reached the council on the next to the last day of the session, where, notwithstanding that the day before a like resolution introduced in the council had been laid on the table on motion of Taylor of Otoe,[5] it was at once adopted by a vote of 6 to 3, Donelan of Cass, Furnas of Nemaha, and Taylor of Otoe voting no. But the old spirit revived on the same day, and Dundy moved reconsideration, which was carried, and then, adding his vote to the hostile three, the resolution escaped defeat by the narrow margin of five to four.[6] One North Platte member was absent, while of the South Platte members three were missing —including the implacable Bowen of Sarpy. A full vote would have gone against further expenditure on the capitol at Omaha, and this vote in the council still pointed the way to final removal. The memorial recited that a former governor had expended the first appropriation of $50,000 on a large and ele-

LORENZO HOBBS[7]

[1] The Nebraska City *News*, October 30, 1858.

[2] The Nebraska *Advertiser*, September 30, 1858.

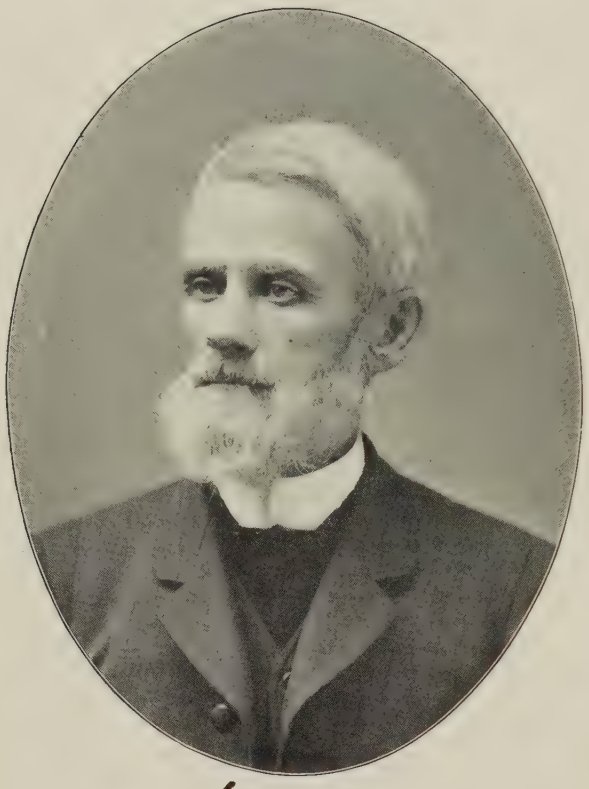
[3] House Journal, 5th Ter. Sess., p. 203.

[4] Ibid., p. 230.

[5] Council Journal, 5th Ter. Sess., p. 228.

[6] Ibid., p. 250.

[7] Lorenzo Hobbs, pioneer of Nebraska, was born in Wells, York county, Maine, April 10, 1831, and is a son of Warwick and Hannah (Barker) Hobbs, the former of English descent and a merchant shipbuilder of the state of Maine. Lorenzo Hobbs received his early education in the common schools, later was a student in Southburg academy, where he took training as a carpenter and builder. He served an apprenticeship for three years, then went to Boston and engaged in business. In 1857 he moved to Decatur, Nebraska, and carried on business at the Omaha agency until 1865, and then moved to Omaha. In 1868 he went to Fort Sidney where he was appointed to build the fort under government contract, having built temporary stations at Julesburg and Sidney, Nebraska. He went to Fort Laramie in 1872, where he had the contract for building an army hospital. In 1873 he returned to Fort Sidney. and four years later went to Pine



Theron Nye

Caroline M. Nye

gant building, leaving it but partially finished; that to make it available for use the city of Omaha had spent about fifty thousand dollars additional in enclosing the building and finishing some of the rooms; that the building was liable to sustain injury unless soon finished, and that, in the opinion of the memorialists, thirty thousand dollars would complete it.

The legislature was not graciously inclined, apparently, toward the work of the original code commissioners, O. D. Richardson, J. L. Sharp, and J. D. N. Thompson. A bill providing a specific compensation for their service passed the council but was pigeonholed in the judiciary committee by Mason, who afterward substituted for it a joint resolution, which passed both houses, referring the whole question of the allowance to the judges of the supreme court with power of final action.[1]

This legislature was as nearly immune from the wildcat bank, as from the capital-moving malady. One bill was introduced[2]—for the incorporation of the State Bank of Nebraska—which, on account of the exposure of attempts at bribery by its promoters, was killed in the house where it originated. It was sought to make this new project of adventurers plausible by providing that real estate should be the basis of its security. On the other hand, drastic action against the going banks was attempted by a bill to annul the charters of five of them, which passed the house—21 to 5[3]—but was indefinitely postponed by the council.[4] A bill to repeal the charters of all the banks was introduced in the council,[5] but did not escape from the judiciary committee.

Two days before the close of the session twenty-eight members met in joint session and elected R. W. Furnas public printer, and this occurrence was the occasion for the first positive outbreak of partisan politics in the territory. Rankin, whom Furnas had supported in the last congressional campaign, and Daily, whom, though a republican, Furnas, still a democrat, was to support against Morton in the next congressional campaign, pushed Furnas forward for printer. The organic act clearly enough gave the control of the territorial printing to the secretary, and at the opening of the session that officer laid before the legislature the correspondence of the comptroller of the treasury on the subject. To these Morton added a characteristically explicit statement of his own intentions:

"The above laws and instructions are all, I believe, which it is necessary to lay before your honorable body. They embrace all expenses to be incurred by the legislative assembly, including the public printing, both contingent and regular. And in this connection I may add that any necessary contingent printing your honorable body may desire to have executed will be promptly and cheerfully attended to, by notice being given at my office.[6]

"Respectfully, your ob't servant,
"J. Sterling Morton,
*"Sec'y Nebraska Territory."*

---

Ridge to superintend the building of a hospital, school house, three warehouses, stables, mills, etc., for which he had the contract under Colonel J. R. Burns, United States Indian agent for erection of buildings. In 1879 he went to Ft. Laramie and put up new quarters for the officers under General Merritt. Later he built the headquarters and other buildings at Ft. Robinson under General Carpenter. He returned to Ft. Sidney, but from there went to Montana, where he has since resided, his present home being in Helena, Montana. Mr. Hobbs was a member of the Boston Lancers from 1854 to 1857, and raised a company of cavalry in 1863 for service in the Civil war. He was appointed captain, but on account of defective hearing he resigned. Mr. Hobbs took a leading part in political affairs in the early days of Nebraska and was marshal, alderman, and mayor of Decatur during the years 1860 to 1863. He was a member of the 9th legislative assembly in 1864, representing Burt and Cuming counties in the house. He is a member of the Episcopal church and has been a member of the Masonic lodge since 1855, and upon coming to Nebraska transferred his membership from the Hiram Lodge of Cambridge, Massachusetts, to Lodge No. 7, Decatur, Nebraska. He was first married in 1857 to Mary Malvina Frost, and seven children were born to them, six of whom are still living: Mrs. Beatta Ira, Santee, Nebraska; W. L. Hobbs, Yreka, California; H. A. Hobbs, Bancroft, Nebraska; Mrs. Rebecca Holms, Santee, Nebraska; George B. Hobbs, Kansas City, Kansas; Abijah Hobbs, Hamilton, Montana. His wife dying in 1867, Mr. Hobbs was again married, in 1868, to Adeline Starry Douglas, and two daughters were born to them: Josie D. Hobbs, Helena, Montana; Mrs. Lottie Brantner, Helena, Montana.

[1] Laws of Nebraska, 5th Ter. Sess., p. 391.
[2] Council Journal, 5th Ter. Sess., p. 136.
[3] House Journal, 5th Ter. Sess., p. 229.
[4] Council Journal, 5th Ter. Sess., p. 258.
[5] Ibid., p. 173.
[6] Ibid., p. 25.

On the 3d of March, 1859, Mr. Furnas answers alleged complaints of delay of the printing in this way:

"We have only to say in answer that we have not as yet received the copies of laws from which to print; and, to be frank, we do not expect we will. Had former usages, to say the least, been conformed to, justice to the public printer observed, and the interests of the people of Nebraska in the slightest degree consulted, the laws passed at the late session of the general assembly would before this have been printed and delivered, not only to the secretary of the territory, but to the several counties.

"We are told the Honorable Secretary is having the work done in Albany, New York. How true this may be, or if true, how soon we may expect copies, we are unable to say. This much we do know, however, and that is, the territory is in a deplorable condition on account of the delay. Justices, lawyers and litigants are unable to move a peg, or if they do, grope their way in darkness and uncertainty. Complaints are universal."[1]

On the 7th of April, 1859, the *Advertiser* gives this notice: "Morton and Company, it is said, have received from Albany, New York, the printed laws passed at the last session of the Nebraska legislature."

Furnas admitted the legality of Morton's control of the printing under the organic act, but opposed its exercise "because of precedent to the contrary."[2] But the animus of the dispute and the beginning of the disorganization of the party which heretofore had held undisputed sway in Nebraska was plain.

"Aside from the manifest injustice of again choosing a man who has so recently enjoyed the emoluments of the office, aside from the fact that the legislature has no more business to select a printer for the territory than they have to say who shall haul our wood or dig our potatoes, notwithstanding that they have undertaken to meddle with matters that are none of their concern, notwithstanding that they have made insulting demands and encroachments upon another department of the government, we purpose to investigate their action to some extent and let it be generally known upon whom their choice has fallen.

"And first it must be remembered that in joint convention the opposition have a majority in our legislature. That opposition for the most part is made up of the worst possible enemies of the democracy, and the democratic organization—bolters, disaffected soreheads, sleepy Janus-faced democrats, consistent in nothing but their persistent and diabolical opposition to the organization and success of the democratic party, at heart the blackest of black republicans but outwardly 'people's men' and 'people's candidates,' these are the kind of men who have elected a pseudo-democrat, one of their number, and one of their leaders, territorial printer.

"The files of the Brownville *Advertiser,* the paper of which Mr. Furnas is editor and publisher, for the last eight months abundantly show the deep and bitter hatred of Furnas to the administration and the party."[3]

The disorganizing conditions at work are set forth by a letter from the attorney at Washington whom the public printer had employed to take care of his interests there:

"I find, however, what the real difficulty is which stands in your way, and which will prevent any remedy for the injury you may have received by the conduct of the secretary. It is that you are an anti-Lecompton democrat, and the power and the patronage, as in Illinois, is given to the few, who profess to be Lecompton democrats, and in all things worship at the shrine of Mr. Buchanan. There lies the real difficulty in your case, and hence I conclude that you are without a remedy. It is represented that there are but two Buchanan newspapers now printed in Nebraska, the Omaha *Nebraskian* being one; and much pains has, I am confident, been taken to prejudice your case with the department, by the class of persons I have described, who are used as the instruments of persecution against all who do not admit that Mr. Buchanan 'can do no wrong.'

"I have not known such vindictive tyranny ever before practiced by any party in this country, as has been, and still is practiced towards the anti-Lecompton democracy of the west. It seems to be inexorable. So that, as matters now stand, nothing, in my opinion, can be done here for your benefit."[4]

But the beginning of the end of democratic supremacy in the territory lay in a bill, the first introduced in the legislature, to abolish slav-

[1] Nebraska *Advertiser,* March 3, 1859.
[2] Ibid., September 30, 1858.
[3] Nebraska City *News,* November 6, 1858.
[4] Nebraska *Advertiser,* May 19, 1859.

Charles Briggs

ery. At this time it was a measure of republican politicians rather than of republicans; and when it was pushed forward on the last day of the session by Daily, who was little, if anything, more than an adroit politician, a motion for its indefinite postponement was lost only by a vote of 13 to 15. But the fear of going on record against the measure, which was to grow in the near future, was shown in the direct vote on its passage which was 23 to 6. Of the republican—or incipient republican—leaders, Mason alone voted for postponement, but all of them, including Briggs,[1] Daily, Marquett, Mason, and Taffe, and several democrats also, voted with the majority for final passage of the bill.[2] It was promptly postponed in the council, Dundy alone sustaining it.[3]

Though this legislature was doubtless superior in practical working capacity to its predecessors, yet it still clung to the idol of special and local legislation, and a large amount of its too brief time was spent in the distinctively local work of changing the location of county seats. Councilman Furnas, to whom credit should be given for taking higher than the average ground on questions of policy and principle, complains of the abuse in question:

"I hold the people would not require the passage of this overwhelming majority of local bills, if their members would take a correct view of the matter, and be governed by a principle that could be consistently explained before their respective constituencies. There are general ferry, road, incorporation and county seat laws, under which the people of every county can obtain their rights at home without troubling the legislature or its individual members. And yet we see the *Republican* takes the position that the 'republicans

[1] Clinton Briggs, Nebraska pioneer, prominent as a lawyer and for many years active in political and commercial affairs of the state, was born in Washtenaw county, Michigan, September 9, 1828, and died in Omaha, Nebraska, December 16, 1882. He received an academic education, became a student in the law office of Messrs. Lathrop & Duffield of Detroit, and in 1853 was admitted to the bar by the supreme court of Michigan. Soon after, he entered the office of William Henry Seward at Auburn, New York, and in 1854 was admitted to practice in New York state by the supreme court. He remained in that state in the practice of his profession until November, 1856, when he settled in Omaha. He was soon recognized as a lawyer of high ability. In 1867 he was elected probate and county judge for a term of two years, and before the expiration of his term was elected a member of the territorial legislature. Subsequently he assisted in the framing of the present code of civil procedure. He formed a partnership with John I. Redick, and this was continued for ten years, the firm becoming recognized as the leading counselors of the city of Omaha. In 1860 he was elected to the office of mayor of Omaha, and served during the year 1861. His administration was distinguished by the establishment of telegraphic communication between Omaha and New York, and between Omaha and San Francisco, and Mayor Briggs had the honor of sending the first congratulatory messages to those cities. In 1875 he was a member of the state constitutional convention, and the part he took in the work of that body added greatly to the esteem in which he was held. For more than fifteen years he was employed as counsel in the most important cases before the Nebraska courts, and in many cases before the United States courts. In 1877 he was a prominent candidate for United States senator, and though his candidacy was ardently supported by his friends, he was defeated through the influence of two of the leading railroads of the state, on account of his previous persistent and successful efforts to compel the paying of taxes on the large land grants made to them. His health becoming impaired, in 1878 he made a trip to Europe, and remained there traveling for a year. Returning to America, he sought improvement in his health in California and the West. He was one of the active workers for the advancement of the interests of Omaha in general. He was one of the incorporators of the Omaha & Northwestern railroad, now the St. Paul, Minneapolis & Omaha, and also one of the incorporators of the Omaha & Southwestern railroad. He was one of the promoters and first subscribers to the Omaha Law Library association. He invested heavily in Omaha real estate and in various business enterprises, and his good judgment in these investments resulted in the accumulation of wealth. Personally, Judge Briggs won the respect and admiration of those he met in a business or social way. His integrity was never questioned. As a judge he possessed a keen sense of equity, and his fairness toward all members of the bar won their respect and confidence. He was particularly a favorite of the younger members of the profession in whom he manifested a kindly interest. He was an aggressive lawyer, without the appearance of aggressiveness. His manner was quiet, his voice firm yet quiet and low, and his speech was impressive without any effort toward eloquence, and convincing in its earnestness, and in the soundness of the opinions and arguments expressed. He was one of the few successful men who won his way to honor and affluence without gaining enemies, for at his death it was not known that he had other than sincerest friends among all the thousands whom he came in contact with during life. Judge Briggs was married in 1854 to Miss Emily Manley of Skaneateles, New York, an accomplished and highly estimable woman, who became the mother of an only son—Clinton Henry Briggs—born February 9, 1867, and who, with his mother, are (1904) residents of Omaha.

[2] House Journal, 5th Ter. Sess., p. 248.

[3] Council Journal, 5th Ter. Sess., p. 271.

and opposition members have at all times been in favor of such legislation as the people of Nebraska require at their hands.' Now this is just in keeping with what I have considered their policy and principle.

"In the general assembly, the opposition to special legislation is sneered at and ridiculed, and the republicans do, nearly as a body, whenever a test comes, cast their votes in favor of special legislation, and are backed up and sustained by the leading republican papers of the territory, in plain and unequivocal language that need not be misunderstood."[1]

Governor Richardson took it upon himself to rebuke this practice of special legislation when he returned to the council a divorce bill, stating that while he had signed this bill in deference to the legislature, yet he held very serious doubts as to its power to grant divorces at all.[2] The continuing bad financial condition of the territory is shown in the communication of Auditor Jordan[3] to the legislature, asking for an increase of the salary of his office to $1,500 and that of the treasurer to $1,000, in which he says that their salaries are now paid in warrants worth only thirty to forty cents on the dollar.[4] But later—December 9, 1858—the *Advertiser* is able to take a more cheerful view of this heretofore chronically gloomy subject:

"Since the passage of the revenue law, which allows all territorial taxes to be discharged with territorial warrants, and county

[1] Nebraska *Advertiser*, November 11, 1858.

[2] Council Journal, 5th Ter. Sess., p. 250.

[3] Robert Correl Jordan, pioneer of Omaha, was born in Chillicothe, Ohio, January 18, 1825. His grandfather emigrated from Wales in the latter part of the eighteenth century and settled in Pennsylvania. His son, Jerman Jordan, the father of Robert C., was born in Pennsylvania in 1790, and in 1817 moved to Chillicothe, Ohio, where he made his home. He was a skilled gunsmith and followed his trade until he reached middle age, when he retired from business, having acquired sufficient means to live in comfort the remainder of his days. He died at the age of seventy-four, having been, throughout his eventful life, a prominent member of the Society of Friends. His wife, Bethia (Correl) Jordan, died in 1854, having borne her husband four children, Maria, Milton, Rufus, and Robert Correl. The latter was educated in the academy at Chillicothe which bore high rank even at that early day. While pursuing his studies he became much interested in astronomy, and gave a great deal of his time to the study of that science. For years he was the possessor of the only telescope in Omaha, and spent many hours reading the heavens. After completing his studies, at the age of fifteen, he entered the employ of his brother-in-law, a hardware merchant in Chillicothe, with whom he remained until his majority. In 1846 he was engaged in a hardware establishment in Portsmouth, Ohio, and in 1856 conducted a boot and shoe store at that place. He then left his home in Ohio and sought the broader fields and larger opportunities of the then far West. He settled in Omaha on April 15, 1857, and that year was employed as chief clerk for the register of the United States land office. For several years he had charge of the books of Lacey & McCormick, one of the largest outfitting establishments in the West at that time. In 1866 he established the firm of Jordan & Graff, wholesale and retail dealers in hardware which he conducted for four years, the junior member of the firm being Dr. George B. Graff. He then moved to Grand Island and opened a general merchandise store in that city. In 1881 he returned to Omaha and engaged in the life insurance business until failing health compelled him to abandon all labor. Mr. Jordan was always a democrat and very devoted to party interests. Though not an office seeker, many positions of trust were conferred upon him by his party. In 1858 he was city clerk of Omaha, and from 1858 to 1861 he was territorial auditor, and a member of the city council in 1866. He was the first mayor of Grand Island and a member of the school board there from 1878 to 1881. After his return to Omaha he was made United States surveyor of customs, which office he held from 1885 to 1889. Mr. Jordan became a member of the Episcopal church in Chillicothe, and after removing to Nebraska was affiliated with the Episcopal churches in Omaha and Grand Island. He was warden and vestryman of Trinity and St. Barnabas of Omaha, and St. Stephens of Grand Island. For many years he was also histographer of the church and ex-officio a member of the Cathedral chapter. Mr. Jordan possessed a pure and sympathetic baritone voice which he devotedly consecrated to religious praise. He was an active member of the Masonic fraternity. Entered apprentice in 1846, fellowcraft and master mason, in 1847, royal and select master in 1847, and in 1848 received the commandery degree. Upon removing to Omaha in 1857 he conferred the degree of master mason upon Hiram C. Anderson and Alfred D. Jones, being the first two such offices created in Omaha, and from this circumstance Mr. Jordan was often called the father of Masonry in Nebraska. Upon the organization of the grand lodge in 1857 he was elected grand master, and for several years was high priest of the Omaha chapter Royal Arch Masons, which was founded in 1859. The grand chapter of Nebraska was organized some years later and Mr. Jordan was made grand high priest. He received the degrees of ancient and Scottish rite 4th to 33d; active member of supreme council, and in 1868 was elected grand almoner of supreme council. Mr. Jordan was married April 30, 1850, at Portsmouth, Ohio, to Miss Mary Elizabeth Clugsten, of German descent. Two children were born of this union, Maria D., born July 20, 1851, is the widow of Nathan Shelton, many years cashier of the Union Pacific railroad; Caroline, born May 9, 1858, is the wife of Fred A. Sears, a prominent citizen of Grand Island, Nebraska. Mrs. Jordan and her daughter, Mrs. Shelton, now reside in Annapolis, Maryland.

[4] House Journal, 5th Ter. Sess., p. 63.

taxes with county warrants, and city taxes with city warrants and city scrip, there has been a rapid rise and a ready sale, especially in warrants given by the territory, and a reasonable percentage on the others. Territorial warrants are selling here (Omaha) now at forty-five cents on the dollar, and appear difficult to obtain even at those figures. Capitalists are making purchases of all that can conveniently be found in the market, and consider the investments as safe and calculated to yield them a handsome profit and timely return of the principal and interest. County warrants are also looking up."[1]

The most important political event in the territory in the year 1858 was the resignation of Governor Richardson. On the 16th of August of that year he announced his intention of resigning in the following letter:

"Executive Dept., N. T.,
"Aug. 16th, 1858.

"*Hon. Lewis Cass, Secret. Dept. of State:*

"SIR—I have the honor to inform you that on the first of January next I shall resign the office of governor of Nebraska.

"I deem it my duty thus to advise you of my resignation in advance so that the president may have time to select a successor. I have the honor to enclose a copy of my proclamation convening the legislature in advance of the time fixed by law. The decision of the courts renders early legislation important & I have deemed it my duty to defer the resignation to that time believing that I could accomplish more than one not familiar with the difficulties that exist and the laws necessary to obviate those difficulties.

"I acknowledge with gratitude the obligation I am under to you and the president for the confidence you have reposed in me and the courtesy that has characterized your intercourse with me while holding this office.

"(Signed) W. A. RICHARDSON."

DOWNER T. BRAMBLE[2]

But the governor hastened his contemplated resignation and left the territory for good on the 5th of December, 1858.

The telegraphic dispatches in the Quincy (Illinois) Daily *Herald* of June 5, 1857, announced the appointment of Mr. Richardson as governor of Nebraska, and commenting on the event said: "We presume there is some mistake about it as we have no idea that Colonel Richardson would accept the appointment." On the 7th of July the *Herald* notes that Richardson has declined the appointment. On the 10th of December, 1857, the same paper notes that the governorship of Nebraska has been again tendered to Mr. Richardson and that he will notify the president of his acceptance the next day. The *Herald* comments: "The fact that it has been tendered

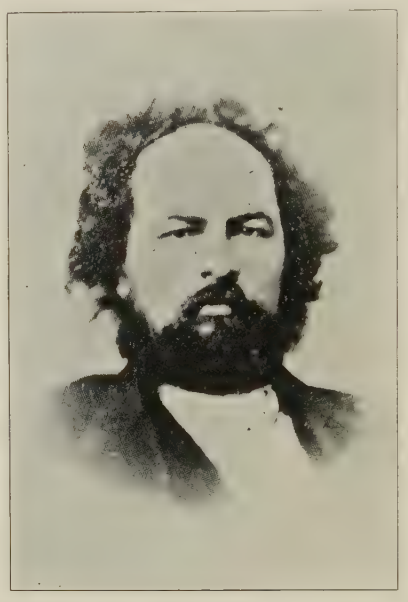
[1] Nebraska *Advertiser*, December 9, 1858.

[2] Downer Tenny Bramble, who with John Taffe represented Dakota, Cedar, and L'eau-qui-court counties in the 5th territorial assembly, was born in Hartland, Vermont, February 28, 1833. He was of English descent, and his ancestors were among the early settlers of New England. He went from Vermont to Nashville, Tennessee, when he was about seventeen years of age, and engaged in the drug business with a brother. From there he went to New Orleans in 1853, and became a clerk on a Mississippi river steamboat. In 1854 or 1855 he settled at Sioux City, Iowa, but shortly after went to Cedar county, Nebraska. He was the first merchant of Ponca, Dixon county, where he started a grocery store in June, 1857. His was the first marriage celebrated at that place, and it occurred in 1858. The bride was Miss Lucinda Brown, who died a few months later, hers being the first death among the white settlers of Ponca. Mr. Bramble introduced in the territorial legislature the act organizing Dixon county, which was approved November 1, 1858. In 1859 he removed to Yankton, Dakota territory, where he established a trading post. He continued the general merchandise business at this point for a number of years under the firm name of Bramble, Miner & Company, doing business which aggregated nearly a million dollars annually. Mr. Bramble was the first postmaster of Yankton, receiving his appointment from President Buchanan. In 1861 he was elected to the upper house of the 1st territorial legislature of Dakota and served two years. About 1878 the firm of Bramble, Miner & Co. engaged in the freighting business between the Missouri river and the Black Hills, Mr. Bramble representing the firm at the Black

again, and this time accepted, we regard as an indication that there is but little if any difference of opinion among the democracy of the country upon the present aspect of the Kansas question."

At a meeting of the bar of Quincy, December 28, 1875, on the occasion of memorial services for Colonel Richardson, General Singleton spoke as follows:

"He was benevolent, kind and amiable; brave as he was generous; confiding as he was honorable. His frankness was one of the prominent features of his character, and one of his most valuable traits. I remember the time he was appointed governor of Nebraska, he was requested by Judge Douglas to call on President Buchanan. The position had been tendered him twice, and both times declined. I accompanied him to the presidential mansion when he was asked to accept the appointment. He stated to the president that he did not accord with him upon certain questions, and for that reason could not accept. Mr. Buchanan stated that he had confidence in Col. Richardson, and begged him to accept, although they did not agree upon all questions."



OLIVER PERRY MASON[1]

General Singleton's statement that President Buchanan urged Richardson to take the office, notwithstanding his well-known disagreement with him as to the Kansas question, is confirmed by other accounts of the appointment; and it appears that Senator Douglas moved Richardson's confirmation under suspension of the rules of the Senate. The Quincy *Herald* of January 26, 1858, in noticing the arrival of the governor in the territory, makes the following observation:

"In the gubernatorial reign of the departed 'excellency,' Gov. Izard, it was sometimes found convenient to bamboozle the old gentleman, and the innocent executive was frequently led into the commission of acts which his better judgment did not approve. There is no hope in this direction with Richardson."

O. H. Browning was appointed to succeed Douglas as United States senator after the latter's death in 1861, and Governor Richardson was elected to fill the unexpired term, taking his seat January 30, 1863. This partial term in the Senate rounded out Richardson's important political career; for by this time his state had become strongly republican. Though he was too thoroughly seasoned, and too brave a democrat to leave his discredited party and join the popular party, as many other democrats in his state and throughout the North did—some for selfish, and some for patriotic motives—yet, like Douglas, he

Hills end of the line, where he made his home. He was appointed register of the United States land office at Watertown, Dakota, by President Cleveland, and was living at that place at the time of his death. Mr. Bramble was a charter member of St. Johns Lodge No. 1, Ancient Free and Accepted Masons of Yankton, and one of its first masters. The lodge owns an oil painting of him which occupies a place in the temple. He died in Watertown, South Dakota, October 9, 1888, and was buried at Yankton. He is survived by two sons, Harry and Frank, and three sisters, Mrs. R. T. Vander Hule, and Mrs. L. M. Whittaker of Watertown, and Mrs. M. L. Vander Hule of Yankton, and a brother, C. E. Bramble, who resides in Scotland.

[1]Oliver Perry Mason was born the 13th of May, 1829, in Brookfield, Madison county, New York. His father, Levi Mason, and his mother, Polly (Pierce) Mason, came to Brookfield from Rhode Island in 1818. On the Mason side he was descended from Sampson Mason, a member of Cromwell's army who came to America in 1650. On his mother's side he was descended from a long line of New England ancestry. His parents were poor as material resources go, but abundantly rich in energy, pluck, and industry. They commenced married life with a capital easily stored in a wagon in which they made the journey from Rhode Island to the forest in New York where they made a clearing for their home. They reared to manhood and womanhood eleven children, and had a competence sufficient to maintain themselves in comfort through old age. This accomplishment is sufficient testimony to the characteristics mentioned above. Judge Mason inherited his dominating will and capacity for hard work, his tireless energy, and restless ambition from his mother.

declared himself on the side of the Union. There were in the North two classes of critics of the abolitionist spirit manifest in the Democratic party, the implacable copperheads, whose sympathies were with the rebellious South, and those who, while condemning the attitude and the acts of the republicans which they sincerely believed to be mischievous and otherwise unwarranted, yet put the preservation of the Union above all other considerations. Though Richardson was individualistic enough to have stood alone in this respect, the unqualified expressions of Douglas for the Union must have strongly influenced him. His resignation of the office of governor of Nebraska illustrated his loyal cooperation with

His education was obtained at the district school, Hamilton academy, Clinton Liberal institute, and the State Normal school at Albany. He graduated from the latter in 1850. He had been insubordinate, and, declining to comply with the requirements of the principal, the latter declined to sign his diploma. Whereupon one of the faculty declared, "If you do not graduate him, I will not agree to graduate one of the class. He is the brightest man in it." To maintain himself during his school life he taught in various places.

He studied law in Ohio in the office of Mr. Blake; also at Ann Arbor, Michigan. He was admitted to practice at Norwalk, Ohio, in 1854.

In the same year he was married to Mary J., daughter of Sanford and Hannah Buttrick Turner. In 1855 he and his wife came to Nebraska City, where they preempted land and settled upon what is today known as the Mason farm, near that city. From his coming he was a conspicuous figure among the pioneers. Aggressive and fearless as a lawyer, he fought the claim clubs in his own vigorous fashion, thereby winning for himself a marked if an unpopular place in the community. He was a member of the lower house of the 5th general assembly, 1858, and of the council of the 9th, 10th, and 11th assemblies—from 1864 to 1866. He was president of the council of the 10th and 11th assemblies.

He was colonel of a militia regiment and during the Civil war was provost marshal. In the later years of his life he was a member of the Loyal Legion, of the class known as civilians who rendered distinguished services to the country during the war. In 1867 he was appointed judge of the supreme court to fill a vacancy caused by the death of Judge William A. Little, who was elected to that office and died before qualifying. In the fall of 1868 Judge Mason was elected to the office and served until 1873.

In 1874, upon the death of his wife, he was left with five daughters, the eldest fourteen years, the youngest two months old. From that time until his death he was tenderly devoted to his daughters. Those who knew of his tenderness and gentleness toward his little girls scarce were able to believe this the man who was such a vigorous and aggressive fighter in law and politics.

In the fall of 1874 he removed to Lincoln and engaged in the practice of law as senior partner in the firm of Mason & Whedon, the partnership continuing during the rest of his life.

As a lawyer Mr. Mason was eminently successful. He engaged in that general practice which demands the attention of the practitioner in new states where the people engage principally in agricultural and live stock pursuits. His success with juries was marked and was due not only to his ability to present the facts of a case but to his eloquence as an advocate and the fact that he met his auditors upon a common level. It was never said of him that he fired above the heads of his hearers. The illustrations with which he enlightened and enforced his arguments were taken from incidents of daily life. The list of important cases in which he was retained is too long to be here inserted even in an abbreviated form.

As chief justice of the supreme court, which position he held from 1866 to January 16, 1873, Mr. Mason wrote the opinions in the cases of Smiley vs. Sampson, reported in 1 Nebraska, p. 56, and Towsley vs. Johnson, reported at p. 95 of the same volume. Each of these cases involved the construction of the act of Congress of September 4, 1841, relative to the preemption of public lands, and was of great public importance. Both cases were taken to the supreme court of the United States, where in each case the judgment of the supreme court of Nebraska was affirmed.

Probably no case in the history of Nebraska has created greater comment or excited more general interest than what is known as Tennant's case, reported in the 3d volume, Nebraska Reports. The governor of the state had been impeached and removed from office, and under the constitution the secretary of state, William H. James, became acting governor. During the same time Isaac S. Hascall was president of the state senate. In February, 1872, acting governor James went to Washington on public business and Hascall, learning of the absence of James, came to the capital with a proclamation convening the legislature in extra session. Under the pretense that the proclamation was a public document which required a certificate that some person was a notary public Hascall obtained from James's private secretary the great seal long enough to impress it upon the proclamation, which was thereupon issued. Governor James, having learned of the proclamation, returned immediately to Nebraska, and, before the time fixed for convening the legislature under the Hascall proclamation, issued his proclamation revoking the call for a meeting of the legislature. Some of the members of the legislature assembled at Lincoln, and, overcoming the resistance offered by acting governor James, took possession of a legislative hall and proceeded to organize. Among others one Parker was appointed sergeant-at-arms for the senate and was ordered to arrest and bring in the absent members. Under this order he arrested A. W. Tennant of Dodge county, who presented his petition to the supreme court for a writ of habeas corpus. Each justice of the supreme court wrote an opinion, the chief justice, Mason, dissenting from the conclusions arrived at by the other two. The interest attending the case is indicated by the first paragraph of the opinion of Mr. Justice Crounse, which reads as follows:

"In the few hours given the court for the determination of the grave questions involved in this case, I can not undertake to review the history of the several proceedings out of which they have arisen. In fact, I choose to avoid any further pub-

Douglas in the latter's unbending opposition to President Buchanan's sympathy with the Kansas slavery expansion policy of the southern faction of the Democratic party.[1] In a letter to Mr. M. M. Bane, of Payson, Illinois, dated May 4, 1861, after stating that aggressive disunionists of the South were determined to destroy the Democratic party and the Union and had aided in the election of Lincoln to that end, and that resolutions submitted in Congress in December, 1860, for an amendment to the Constitution, taking slavery out of politics, could have been passed without dishonor to the nation or to any individual,

lication of the disgraceful transactions that have attended the administration of our state government—transactions which have made the character of the state the subject of jeers abroad, and occasioned every good citizen to blush to acknowledge that he is a member of it."

The point decided by the court was that a proclamation by the executive calling for a convention of the legislature might be revoked by a second one promulgated for that purpose, and that any attempt on the part of the members to assemble in pursuance of the first proclamation or call would be without authority, and any act done by the members as of a legislative body would be void. From the conclusions arrived at by a majority of the court the chief justice vigorously dissented. The opening paragraph of his opinion is as follows:

"The idea of judicially declaring a coordinate department of the government an illegal body, and any acts which it may do null and void, is so novel and startling as to arrest attention and demand careful examination. The suggestion that the judiciary can declare the legislature illegally assembled and a body without authority, rests upon the assumed right of this department to pass upon the legal existence of a coordinate branch of the government, and if true is dangerous to civil liberty. If this can be done, and the judicial power of the state declare the legislative department illegal and proceed to destroy and annihilate it, the next day, upon some specious pretext, the executive department may be made to share the same fate, and thus the judicial power will be made to sap and undermine the constitution and destroy the liberties of the people."

In commenting upon the opinion of the majority of the court, he said:

"To declare illegal the assembling of the legislature, upon the hearing of a writ of habeas corpus, is to my mind the usurpation of judicial power and an unwarrantable assault upon a separate and independent department of the state government, and such usurpation ought to be vigorously resisted. The decision of a majority of this court cuts loose from the safe moorings of the law and time-honored custom, and without compass, chart, mast, or rudder to guide its course, enters upon a piratical and unwarranted cruise against the legislative department of this state.

"Where did this court receive its commission and authority to pronounce a criticism upon the conduct of a coordinate department of the state government, and because its conduct did not come up to its standard of propriety, denounce and then destroy it?"

Taking advantage of the fact that he was supreme court reporter, one of the associate justices added to the report of the case a note, harmonious with his sense of propriety, which furnishes unquestionable evidence that, if its author was not deeply impressed with the force of the argument used by the chief justice, he suffered from the sting of the sarcasm used in language of the opinion by which that argument was expressed.

From January, 1887, to January, 1889, he was one of the railroad commissioners; at the time of his death he was serving as deputy labor commissioner, appointed by Governor Thayer.

While he was not a candidate for office at any time in the later years of his life, he was always interested in political questions, and not infrequently he was prevailed upon to go out through the state campaigning when the party seemed in special need of the services of all its adherents. As an orator he was a power. A little more suavity would have made him one of the first order.

The cause of public education found an able champion and friend in him. In the days when the State University was struggling against the prejudice that it was a Lincoln institution, which made appropriations from the legislature hard to get, he was one of its firm friends, because he believed the sons of the people should have an opportunity for college education.

In politics he was a republican. A man of religious temperament, he never affiliated with any church. His was the religion of good works. With cant and hypocrisy, within or without the church, he had no patience.

While he never amassed a fortune, he lived always comfortably and generously, and left for each of his children a comfortable provision.

He died on the 18th day of August, 1891, leaving many a humble friend bereft of a strong support, a place in the councils of his state, which was unique and his alone, vacant, and his family ever missing his strong and able comfort and advice.

His surviving children are four in number: Jessie, wife of Fred L. Harris; Grace, wife of Hiland H. Wheeler; Alice, wife of Thomas L. Teasdall; and Bessie, wife of Edgar O. Bradley. There are now living twelve grandchildren.

Judge Mason's mind and character were stamped by originality. As a public man, he was characterized by forcefulness, fearlessness, and breadth. In private life his most notable characteristic was a marvelous generosity and kindness of heart beneath a gruff and sometimes rude manner. The things he most despised were cowardice and oppression. To fight against odds, the heavier the better, in the cause of the weaker party, was his greatest pleasure.

[1]The Quincy *Herald* of September 2, 1858, gives the following explanation of the reason for the resignation:

"We learn from reliable information that Col. Richardson has resigned his position as governor of Nebraska territory. The democracy of this city and county will unanimously rejoice to learn that 'Old Dick' is coming back to reside among them. The reason for Col. Richardson's resignation is simply this: He is not willing to hold office under an administration which is using all its power and influence to secure the election of a black republican

Sireno B. Colson

but republicans defeated them all, he said: "However much we have differed in the past, there are great present duties upon which we can all agree. Whether the laws that are passed are wise or unwise, whether the government is wisely or unwisely administered, every citizen owes as a solemn duty to obey the law, to support the constitution, to repel invasion and to defend the flag."

---

senator in Illinois. He will return to this state in a few weeks, and take the stump for Douglas. Hurrah for 'Old Dick.'"

The following recent letter written by William A. Richardson of Quincy, Illinois, son of the governor, throws light on the reasons for the resignation of the governor:

"If father came home in July to take his family back with him to Nebraska; if he expected to have us go during the first part of August, 1858, something must have happened during his visit to change his mind, for he never did take his family with him to Nebraska. Just about this time Buchanan must have opened out in his spiteful opposition to Douglas. In August, W. H. Carlin—a Buchanan democrat—was appointed postmaster at Quincy, and Brooks, the Douglas democrat, was relieved. This war on Douglas must have been the cause of father's sudden change of plans; must have caused him to determine to resign the governorship."

The characteristics and qualities of Governor Richardson as a public man are summed up in the following sketch by the Cincinnati *Enquirer* of the part he took in the national Democratic convention in Cincinnati:

"No gentleman in the late convention commanded more respect and attention, when he arose in that body, than W. A. Richardson, of Illinois, the gallant and ever true democratic nominee in that state for its governorship. Indeed, without being invidious, we might state as a fact, apparent to all, that the eyes of the convention were directed towards him in every emergency. When his strong voice was heard, immediately stillness and silence possessed the whole body. He justified this confidence by never abusing the courtesy and kindness of the convention by long speculative or inappropriate suggestions. He always hit the nail on the head—saying just enough, and always saying it well, so as to carry his point and facilitate the harmonious action of the convention. Tact, promptitude, taste, and manly decision characterized all his actions and speeches. As at Buena Vista, when his gallant colonel had fallen, and Richardson succeeded to the command of the regiment, his timely appearance, with the stalwart Illinoisans at a point of imminent peril in General Taylor's lines, contributed so largely to the successful maintenance of the position of our gallant little army, so, too, in some of the tumultuous and alarming phases of the convention, when disorder and discord began to threaten the body, Richardson's prompt intervention soon restored peace, quiet and good-feeling, and placed the convention once more on the track, to move smoothly forward to its objects. Mr. Richardson's sagacity, judgment and decision are happily illustrated by the manner and the time at which he came forward to lay on the altar of democratic harmony the heavy sacrifices which Illinois was willing to make for a cause which she had never faltered or wearied in sustaining. There was a manly dignity, and at the same time a pathos and delicacy in his allusions to the gallant choice of his own state, which must have left a deep impression on all present. When he referred to the tribute to the genius, fidelity, and noble effort of Douglas conveyed in the adoption, as the cornerstone of the platform, of the principles of which he had been conspicuously the champion, and in support of which he had covered himself with scars and glory, the whole assembly involuntarily rose and gave vent to its enthusiasm, as no language can adequately describe. Besides the influence of his character and the impression of his fine address, Mr. Richardson's knowledge of parliamentary law and great readiness in disentangling the complexities into which large deliberative assemblies so frequently fall, was of immense advantage to the convention, and contributed greatly to its order and efficiency."

Mr. Hiram P. Bennet, who was speaker of the house of the 5th legislature, is still able to tell many anecdotes illustrative of the humor of that body and of characteristics of Governor Richardson. At one time the house, while waiting for the arrival of the speaker to change from a session of the committee of the whole back to the regular session, took a lunch, of which—a not unusual incident in those times—the liquids bore an undue ratio to the solids, and in the naturally succeeding confusion the chairman, Benjamin P. Rankin, announced that he would recognize anyone on the floor who was sober; whereupon Dean, with much difficulty and unsteadiness of attitude and speech at once arose and claimed the right to recognition according to the chairman's conditions. Then "Jim" Stewart began shouting "Who has the floor? Who has the floor?" and the chairman retorted hotly, and a general mêlée followed. Secretary Morton, who was a bystander, always ready for a lark, rushed back to the governor's office and told him that the house had adjourned and was in a devil of a row. Richardson, who himself had partaken of enough of the lunch to temporarily unsettle his accustomed cautious dignity, rushed into the aisle of the legislative chamber and in stentorian tones thundered, "Peace, peace. G—d d—n you, Peace!" Then seeing that Mr. Bennet, the speaker, had taken the chair and was presiding over the house in good order, Richardson, who was a stickler for parliamentary propriety and for the observation of the distinct prerogatives of the several departments of the government, bowed most apologetically. He afterward penitently confessed to Morton that he made a —— fool of himself. Jeff Gatewood called him "Dick" (old Dick) because, as he told him, "You're a d—d clever fellow, and I never knew a man that was a clever fellow that wasn't named Dick."

S B Miller

# CHAPTER XI

LAND SALES—HALF BREED TRACT—UNITED STATES SURVEYS—APPOINTMENT OF GOVERNOR BLACK—FIRST TERRITORIAL FAIR—ANNEXATION TO KANSAS

WHILE the sessions of the legislature—what they might or might not do, and chiefly in reference to sectional questions—were still the chief topics of public interest, they were becoming less exclusively so; and in the interval between the fifth and sixth sessions consideration of land sales, the territorial fair, state government, party organization and conventions, and annexation of the South Platte section to Kansas afforded busy and healthful diversion, and the attempt to sustain some view of these important subjects served to strengthen the wings of a strenuous but still fledgling press. The newspapers boomed the gold mines for the sake of the resulting advantage of the traffic thereto across the plains, and commendation of the route starting from their home town and depreciation of the others by the journals respectively of Omaha, Nebraska City, and Brownville, in point of energy and glowing head-line, is a reminder, if not the full prototype of the present-day yellow journalism.

Sale of the public lands which had been fought off, as we have seen, by heroic spirit and effort, was now accepted without remonstrance, not because it was desired by the settlers, but rather because it was regarded as inevitable. The sales were advertised to take place at Nebraska City, August 1 and 29; at Omaha, July 5 and 25; at Dakota, July 18; and at Brownville, August 8 and September 5.[1] The sales were confined to specific townships north of the base line and east of the 6th meridian, the Sac and Fox and the half-breed reservations being excepted. An interesting picture of economic conditions and the fatherly treatment of real settlers by the government is afforded by the account of the first day's sale at Brownville:[2]

"On Monday last the office at this place opened for private entries. Col. Nixon[3] very generously refused to receive applications for private entries before 12 o'clock, giving the settlers an opportunity to file during the forenoon under the benefit of the 15th section of the act of 4th Sept. 1841, by which a year's time is secured in which to pay for the land. One hundred and twenty-seven filings were made before 12 o'clock, fifty-two of which were made before breakfast.

"The vacant lands in this district have been examined personally by those wishing to invest, and being very valuable, are sought after with much zeal. Purchasers take their 'turn' at the counter; are allowed to enter no more than 640 acres each at a time. Up to yesterday evening—two and one-half days—the number of acres entered at private entry with warrants was 21,875.

"And thus is the 'national treasury replenished'; and the 'four millions' promised by the secretary of the interior to the secretary

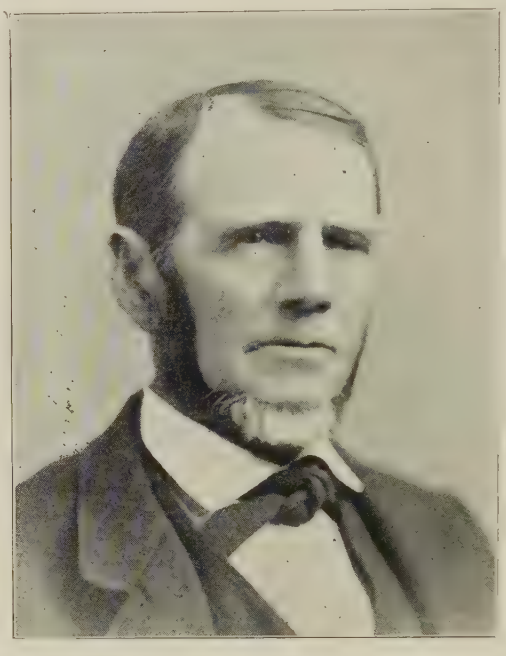
[1] Nebraska *Advertiser*, April 28, 1859.

[2] Nebraska *Advertiser*, August 25, 1859.

[3] Colonel George H. Nixon came from Tennessee as the first register of the land office at Brownville, in the Nemaha land district. Colonel Nixon was a strong pro-slavery man. He brought several slaves with him from his old home in Tennessee, and with the beginning of the Civil war he returned home and enlisted in the Confederate army. A story is told of his meeting one of his former slaves after the close of the war, and providing him with the means for an education which enabled him to obtain distinction as a teacher among his people in the South. Colonel Nixon is described as "a genial, pleasant gentleman, fond of company and a little vain of his oratorical powers." He became quite a noted character on account of his peculiarities. He was devoted to speech making, and would seize upon every possible occasion to boast of his early educational disadvantages, and one phrase he is said never to have omitted. After lauding the great and glorious country, he would wind up with "somewhere in the Mississippi valley, we will build a monument as high as the thought of man, and on it place the American Eagle." It is said that in every address he made, "the bird of Freedom with one foot on the Alleghanies, the other on the Rocky mountains, and bathing its plumage in the thunder's home" was sure to figure.

of the treasury, as proceeds from sales of public lands, being rapidly made up."

By the treaty of Prairie du Chien, July 15, 1830, what is known as the half-breed reservation, in Richardson county, was set aside for the "Omaha, Ioway, Ottoe, Yancton and Santee Sioux half-breeds." This reservation was surveyed in 1837–38 by John C. McCoy under his father, Isaac McCoy, and the western line was retraced, in October, 1855, by Justus L. Cozad. As defined by the treaty, the reservation was bounded on the east by the Missouri river, on the north by the Little Nemaha river, and on the west by a line starting from a point on the Little Nemaha ten miles from its mouth in a direct line to a point on the Great Nemaha river, ten miles from its mouth, on a direct line, the stream last named being the boundary line from the ten mile point to its mouth at the Missouri river. It was afterward ascertained that there had been a mistake in the survey from the mouth of the Great Nemaha to the ten mile point, and in a letter dated September 26, 1856, Joseph S. Wilson, acting commissioner of the general land office—Thomas A. Hendricks was the commissioner—peremptorily ordered John Calhoun, surveyor general, to resurvey the lines and to obliterate all marks of the former surveys, and this work was done by William H. Goodwin, from December 30, 1856, to October 20, 1857. In a letter addressed to Abel D. Kirk, and dated August 15, 1857, the surveyor general says that Mr. McCoy has "made the examination of the western boundary of the half-breed tract, and finds the old line wrong, and will recommend the sale of the tract between the true and the erroneous line for the benefit of the settlers, the money to go to the half-breeds." This was the policy adopted by the act of Congress of February 28, 1859. The surveyor general goes on to say that he has just received instructions from the department to have the west line resurveyed and established according to the treaty, and that he has directed Deputy Surveyor Goodwin to proceed at once to the performance of the work The McCoy line, of the west boundary, intersected the big Nemaha at the quarter corners of sections 16 and 17, township 1, range 17, striking the Little Nemaha in the southeast corner of section 15, township 5, range 14. The corrected, or Goodwin line left the Big Nemaha in the southeast part of the northeast quarter of section 25, township 1, range 16, $1^1/_3$ miles southwest of the beginning of the old western boundary. After the territorial organization, settlers or speculators occupied the lands up



JOHN CALVIN M'COY[1]

[1] John Calvin McCoy—of Scotch descent, one of thirteen children and the third son of the Rev. Isaac McCoy and Christiana Polk McCoy—was born at Vincennes, Indiana, September 28, 1811. His father, the Rev. Isaac McCoy, was born in Fayette county, Pennsylvania, near Uniontown, June 13, 1784, and moved with his father, in 1790, to Shelby county, Kentucky. Soon after he embraced religion, united with the Baptist church, was ordained a minister, and chose for his first field of labor Vincennes, then a frontier village, and located there in 1804. While he was engaged there in the ministry and working at his trade, that of making spinning wheels, his son, John C. McCoy, was born.

About that time the Rev. Isaac McCoy became interested in Indian education, and for the purpose of founding a mission moved with his family to the frontier military post, Fort Wayne, in 1817, and opened a school for Indian children.

Shortly after, his wife, nearing the time to give birth to a child, felt the necessity of medical attendance and the companionship of a woman, and, neither being available, it was decided that she should return to Vincennes. A good, trusty man was secured to

to the McCoy line, and the new survey threw a considerable tract thus claimed inside the reserve. The ambitious town of Archer, the first county seat of Richardson county, which was situated in the southwest corner of section 36, township 2, range 16, was left by the new line about ¾ of a mile inside the reservation. The white claimants of the land be-

accompany her, and she, with her three youngest children, one an infant of two years, made the trip in a stout canoe down the Wabash from Fort Wayne to Vincennes, a distance of about three hundred miles, she sleeping during the day and keeping the mosquitoes off the children at night. It took nine days to make the trip.

The baby was born, and after a few weeks' recuperation she made the trip back on land, often on horseback, with the infant in her lap and another behind, and was absent from home just three months.

Of such sturdy stock came John Calvin McCoy.

The Indian school at Fort Wayne being successful, it was decided to open another mission along larger lines, and, with the sanction of the Baptist missionary society, Mr. McCoy established the Carey mission at Niles, Michigan, and later another at St. Joseph, directly across the lake from Chicago. Christiana creek, in Elkhart county, Indiana, near Elkhart, was named for Christiana Polk McCoy.

While engaged in mission work at Niles and St. Joseph business frequently called Mr. McCoy to the Chicago settlement across the lake, and he preached the first protestant sermon in Chicago on the 7th day of October, 1825.

Enthusiastic zeal in the cause of Indian education and the moral and physical betterment of the red man led him many times to the national capital, where he gained the confidence and esteem of President Jackson, Secretary of War J. H. Eaton, and General Lewis Cass, before whom he laid his plans for a general colonization of all Indian tribes west of the Mississippi river in order to get them far beyond the evil influences of the whites. Consequently five commissioners were appointed by the government to explore the country west of Missouri with that end in view. The commissioners were to meet in St. Louis and proceed west. The other four being several months delayed, Mr. McCoy, with the sanction of General William Clark, superintendent of Indian affairs, went forward without them and arrived at the mouth of the Kaw river, September 24, 1828. From there he went to the military post called "Cantonment Leavenworth," and then due west as far as what is now Mitchell county, Kansas.

Having made his report to the government, he was later entrusted with the removal of tribes in Indiana, Ohio, and Michigan, the Shawnees, Delawares, Pottawattomies, Wyandottes, etc., to their new homes in the west. In 1829 he received a commission from the government to lay off and establish boundaries for a large military reservation—about eleven sections—at Cantonment Leavenworth and also boundaries of lands assigned to certain tribes of Indians. At that time John Calvin McCoy was being educated as a civil engineer at Transylvania University at Lexington, Kentucky.

Of one of his experiences there he writes, "Whilst a student in 1827, during vacation, Professor Mathews with a corps of volunteer students made an experimental survey of the first railroad constructed west of the Allegheny mountains, twenty-four miles long, from Lexington to Frankfort, and I had the privilege of driving the first pegs on the line at the lower market house and down the town fork."

He left the university in the fall of 1829, proceeded to St. Louis, which he says was then a town of less than 6,000 people, to meet his father, then on the way to make the surveys above mentioned. Of his advent into Jackson county, Missouri, where he resided continuously for fifty-nine years, he writes: "About the middle of August, 1830, a small party of six persons, two on horseback and four walking, with a string of eight pack horses heavily laden with provisions and camp equipage, entered the public square of the frontier village of Independence from the east, passed on in single file across the stump-covered ground to the southwest corner where the largest house in the town of perhaps 150 inhabitants stood. One of the men on foot was Congreve Jackson, afterwards a lieutenant colonel in Doniphan's regiment, on its famous march through Mexico."

After a short halt they proceeded west, camped on the Big Blue for the night, and at early morn the following day arrived at the mouth of the Kaw. On August 31, 1830, they crossed the Kansas river about four miles west of the mouth, where Francis Gesso Chouteau had established a trading post and ferry. Fifty-six years after, having visited the same place with a party of excursionists, in referring to his first visit, he wrote: "At that time there was not a house or a solitary resident, savage or civilized, living between the two rivers, from their junction westward, save at the military post at Cantonment Leavenworth—where about four companies of infantry were stationed—and the then recently established subagency for the Kaw or Kansas tribe about forty miles westward, nor was there even a wagon road in what is now Wyandotte county, only an Indian trail along which we threaded our way, with pack horses in single file, through the woods and prairies. And as for all the region lying in the bottoms of the Missouri and Kaw—now so densely covered with buildings from Broadway westward—it was then simply a vast uninhabited, trackless forest and jungle of underbrush. I could look and admire the new picture of to-day and then recall in its pristine freshness of aspect the old picture or panorama covering the same identical territory. Aye, an old and finished piece of nature's handiwork was what I then saw in my youth, a genuine of the Renaissance, and it is a new one I now look upon in my old age; the one in its hoary age and grand majesty was then matured and ready for the sickle of destiny: the fullness of time had come, the first faint rays, the torchlight dawn of a new era that was to sweep across the western hemisphere and obliterate nature's long reign and spread on her ruins the beneficent reign of a Christian civilization."

The survey of the military reservation being completed, commissions from the government for the surveying of other boundary lines, allotments of lands to various tribes, came thick and fast, and from 1830 to 1855 the greater part of his time was spent in such work. One of his first surveys was to lay off and mark the boundary of a small tract of about thirteen miles wide by thirty long assigned to the mixed band of Senecas and Shawnees living

tween the new line and the old induced Fenner Ferguson, then delegate to Congress, to procure the passage of a bill arbitrarily re-adopting the old McCoy line as the western boundary of the reservation, and the bill was passed June 12, 1858. The motives of the champions of the bill were impugned in the House and a lively debate ensued. Mr. Ferguson defended the measure as follows:

"I will state to the House, that prior to the establishment of the new line in 1857, some sixty settlers had settled upon this land, now in dispute, and have made substantial improvements, and, in fact, one town of considerable importance has been built upon it. The Indian half-breeds, who are to be benefited by this land, are squandering the property that comes into their hands as fast as they acquire it. If this provision is not made for the relief of the *bona fide* settlers upon that land, speculators will derive the benefit of their improvements—improvements amounting, according to the evidence, to over seventy thousand dollars—made in perfect good faith, and in utter ignorance of there being any new line to be established or run. Another thing: there is great uncertainty as to whether the old line is not really the true one—the one that should remain for all time. It is well known to western men that the Missouri river changes its

adjoining to and west of Missouri near the southwest corner, and to survey the meanderings of the Arkansas river from near Ft. Gibson up eighty-five miles. His work extended from the south line of the Cherokee nation, he having established the dividing line between that tribe and the Creeks, to the north line of the half-breed Otoe and Omaha tract between the Great and Little Nemaha rivers at the north. During that work he surveyed boundaries and established lines for the Osages, Weas, Piankishaws, Peorias and Kaskaskias, Ottawas, Chippeways, Pottawattomies, Sac and Foxes of Osage river, Shawnees, Kansas or Kaws, Delawares, Wyandots, Kickapoos, Sac and Foxes of Missouri, Kioways, half-breed lands between the Great and Little Nemaha rivers, and the Cherokee outlet commonly known as the Cherokee strip, now Oklahoma. He also surveyed the state line between Missouri and Kansas from the mouth of the Kaw river to the Arkansas line, and in November, 1855, laid off in town lots and made a plat of the city of Leavenworth. He built the first house in the town of Westport, now within the corporate limits, and a part of Kansas City, Missouri, and opened the first store there in 1833, and the first consignment of merchandise ever received within what is now the limits of Kansas City was received by him, having been unloaded from the steamer John Hancock near the foot of Main street.

In 1838, under an order of the court, a sale in partition was made of 236 acres of land belonging to the estate of Gabriel Prudhomme. Fourteen persons formed a company and bought the same and started a town and proceeded to sell town lots. They were William L. Sublette, Virginia Campbell, William Gillis, William Collins, William M. Chick, Fry P. McGee, Abraham Fonda, George W. Tate, Samuel C. Owens, Russel Hicks, Jacob Ragan, William B. Evans, Oliver Caldwell, and John C. McCoy. Mr. McCoy was made secretary of the company. Various names were suggested for the new town and that of Port Fonda, after one of the company, met with much favor from some, but was strenuously opposed by others, the result being a compromise in Kansas City from the Kansas river.

Dissensions arose in the company and little was done towards building the town until 1846. During those seven years several changes in ownership took place, seven persons having bought the interests of the others, additional lands were bought, new life injected into the enterprise, and Kansas City began to be a thriving village with metropolitan ambitions. John C. McCoy was again made secretary and surveyor, laid off the town into streets and blocks, made and filed a plat, and from that date until his death was always among the foremost of her public citizens to work for her advancement, and never lost confidence in her future. He built the first brick house in the town in 1845, and numerous other large business houses in later years.

He was first married to Virginia Chick, a daughter of a pioneer, William Chick, and in 1850 married Elizabeth Woodson Lee, the widow of Carey Allen Lee. Mr. McCoy died at Kansas City, Missouri, September 2, 1889, within a few days of being seventy-eight years of age.

Few men possessed the wonderful memory of Mr. McCoy, and his bountiful store of general information, together with his pleasing personality, made him an interesting companion. His accurate memory of persons, dates, places, scenes, and incidents, especially of his earlier life, led him to be much consulted in the straightening of complications arising from the transfer of lands. At his death the Kansas City *Journal* said of him: "John C. McCoy was a man of marked literary ability, and his contributions to the *Journal* at various times during the past twenty years shed more light upon the early history of Kansas City than all the books that have ever been published on the subject.

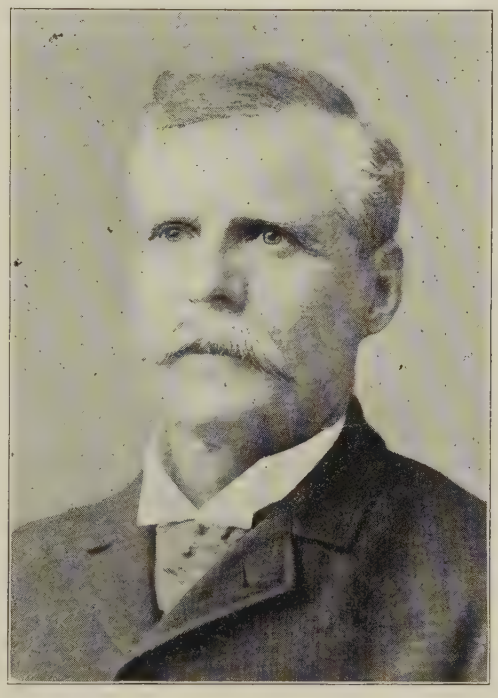
"He was a ready and graphic writer, and few writers, even of established fame, equaled him in vivid description of men and events. His description of the great flood of 1844 is a remarkable literary production, and is, withal, the only accurate record of that great rise in existence.

"He had met many distinguished men of the country, among them Washington Irving, whom he guided through this portion of the west at one time. One of the most beautiful little stories of Washington Irving was founded upon an experience and observation made during a visit to an Indian home while on this trip. He was a man of great strength of character and his fifty-nine years of residence in Kansas City is without a blemish."

His descendants comprise seven children, twenty-three grandchildren, and seven great grandchildren, all living in or near Kansas City, Missouri. His children are as follows: Eleanor McCoy Harris, wife of Dr. W. W. Harris, Rich Hill, Missouri; Juliette McCoy Bass, wife of Robert T. Bass, Kansas City, Missouri; Virginia McCoy Vaughn, St. Louis, Missouri; Evelyn Byrd Holloway, wife of James M. Holloway, Kansas City, Missouri; Mattie McCoy, Kansas City, Missouri; Woodson McCoy, Wilder, Kansas; John C. McCoy, Jr., Kansas City, Missouri.

course frequently, sometimes three quarters of a mile, or a mile, in the course of a few years. It is probable that, in 1838, they took the Missouri river as it then ran, and ran ten miles up the other river. I have no doubt that was the case, for there are indications that the river has changed its course, thus throwing out of Nebraska some lands which formerly belonged to her."

Mr. Letcher and Mr. Jones, of Pennsylvania, stoutly opposed the change. Mr. Letcher stated that, according to information he had obtained from the secretary of the interior, when the McCoy line was run an error was committed: "and in 1857 the department of the interior, upon its own motion, and for the purpose of doing justice to these Indians, directed the line to be properly run by their own officers, and it was then run as it now appears on the plat before the house." Both Mr. Letcher and Mr. Jones insisted that the secretary of the interior had informed them that at the time the line was run in 1857 there were no settlers upon the disputed land, but that they had gone there and settled between the two lines after they knew where the new one ran. Mr. Cobb of Alabama and Mr. Samuel R. Curtis of Iowa defended Mr. Ferguson's position and insisted, rather on general principles than from actual knowledge, that the white settlers would have gone as close as possible to the line long before 1857; for "this is one of the finest tracts of land the sun now shines upon." Mr. Ferguson said that from his personal observation he knew that there were from forty to sixty settlers living close up to the line of 1838 before the new line was run. "I know the fact because I was there when the new line was run, and I know the perturbation into which the settlers were thrown when they saw the government surveyors establishing that line."[1]



THOMAS G. LANSDEN[2]

Mr. Curtis suggested in the debate that the only wise and proper solution of the question was to let the settlers remain and to indemnify the Indians for their loss by the error in the survey. This suggestion was followed by an act of Congress, February 28, 1859, which appropriated such part of the amount of the disputed land at $1.25 an acre as would be necessary to carry out the intention of the

[1] *Cong. Globe*, vol. 36, pt. 3, 1857–58, p. 2806.

[2] T. G. Lansden was born in Wilson county, Tennessee, January 16, 1834. His father was a slave owner, but freed his negroes in 1835 and moved to Sangamon county, Illinois. The son, when only a boy, was sent to Springfield and placed in a store which was conducted by N. W. Edwards, a brother-in-law of Abraham Lincoln. At this store it was his good fortune to spend many an evening listening to the conversation of such men as Abraham Lincoln, Stephen A. Douglas, Col. E. D. Baker, afterwards senator from Oregon, William H. Herndon, Lincoln's law partner, and others. He was also privileged to hear many of the joint debates between Lincoln and Douglas. His education, however, was limited to the country schools, supplemented by his own efforts at night. Not having a special liking for mercantile life, and with much natural taste for mechanics, he gave up his position in the store, where his health had become impaired, and joined the surveying party sent out by Ledlie and Manners of Springfield, who had secured a contract for surveying in Kansas and Nebraska, through the influence of John Calhoun, surveyor general of the two territories, who had formerly lived in Springfield, where he was several times elected mayor. Mr. Lansden was a member of the party which conveyed the iron monument across the Missouri river and erected it at the southeast corner of Nebraska territory. Of this part of his career he says in a letter under date of September 23, 1904: "The history of my trip to Kansas and Nebraska in 1855 is about as follows: John Calhoun was the surveyor general. His residence was Springfield, Illinois. Ledlie and Manners, of Springfield, organized a company to

treaty. In the meantime the Missouri river had been more rapacious than the white man's greed; for when the McCoy line came to be established in 1858 the reservation amounted to only 120,681.59 acres against 143,647.33 at the time of the survey in 1838, and 137,988.36 acres, less 145 acres in Kansas, at the time the corrected line was run in 1857.

A letter from Surveyor General Calhoun, dated at Lecompton, December 10, 1856, addressed to Abel D. Kirk, at Archer, informs him that the line originally run by McCoy and subsequently traced by Cozad and McManus, deputy surveyors, has been set aside by the commissioner of the land department, and that orders have been received by the surveyor general to re-run said line strictly in accordance with the treaty, in obedience to which there is now a deputy surveyor in the field. In accordance with the act of Congress reinstating the McCoy line, Alexander Oliphant reestablished it between September 23 and October 14, 1858.

Three incidents in the three years—1857 to 1859—namely, defeat of the attempted public sales[1] and the just extension of the half-breed tract, and its individual allotment in 1859, mark the growing sense of value in Nebraska land and the consequent aggressive power of the settlers.

take contracts of surveying. Their contract was to run standard parallels and guide meridians in Nebraska and Kansas. The firm of Ledlie & Manners comprised two companies; one was to operate in Kansas and the other in Nebraska. The Manners Co. was ordered to go to St. Joseph and take a monument (which had been cast in 1854) to the 'Initial Point' 40th parallel of latitude, erect it and make an examination of a survey which had been made by John P. Johnson in the fall of 1854. This survey had been run out 60 miles. Ledlie, with his company, went from Ft. Leavenworth to the 60 mile point to wait our examination of the line. The requirement of the government was to use solar instruments. We could not make our instruments agree with the Johnson survey. Our companies went into camp until we could get instructions from Washington. We set the monument on the 8th day of May, 1855, at 12 o'clock M. We had quite a time crossing the Missouri river. Our Indian, who acted as ferryman, did not take any account of the weight of the monument. He would take but eight men at a trip (there were 24 men in the party). I was with the last eight to load the monument. The Indian motioned all to get in. As none of us had been over, we had no idea how much his canoe drew in the water. I was the last to get in. The bow was on the beach. I pushed it off, getting in facing forward, as all the men were sitting astride of the monument facing front. As the bow of the canoe was pointed across the river, I looked over my shoulder to see how much wood was over water. There was but about 1½ inches. As I could not swim, my first thought was that I would cling to the rope. I saw it was only about three feet long and I knew the monument would take it to the bottom as so much lead. Not a word was spoken. The minutes were as hours. The wind was blowing quite a breeze. The splash of water over the sides was the only sound I heard. I felt the water on my feet. Never had I, before or since, wanted wings so much, and I made up my mind I would soon get them. I never will forget, nor cease to be thankful to that Indian. Although a fool in regard to the weight of cast iron, no one but he could ever have rowed that canoe to safety. I would go miles to lay a flower on his grave. We hauled the monument by team from St. Joseph to the east side of the river. The initial point, 40th parallel N. latitude, was established by a corps of engineers sent from Washington some time in 1854. This monument stands on a bluff 70 feet high. The river at that time run within a mile of the foot of the bluff. I visited the spot August 7, 1904, 49 years afterward. No one can realize the change who had not seen the country at that time. A few Indians were along the border of the river. Not a white man to till the soil. The government that summer was sending soldiers against the Sioux. After we left the river we saw no Indians to amount to anything. After our examination of the Johnson line, we went into camp, May 17, 1855, to await instructions. We received instructions to run an entire new line. The contract was given to Charles A. Manners. We returned to the river and commenced work on Wednesday, June 13, 1855. Within three miles we crossed the Great Nemaha six times with the line. The only white settlers we saw were a few families on what was then known as Turkey creek. Any one who may wish to visit the spot, from which all surveys in Nebraska and Kansas were made, can do so by going to the mission in the Iowa reservation, thence one-half mile north to the base line. Follow the road on the line two miles to where the line comes to a deep valley; one-fourth mile before coming to the valley, turn south for about a mile, then east about 1½ miles. Then passing through a field ½ mile northeasterly a ridge will be found which may be followed direct to the monument. Returning to Springfield from his surveying trip, Mr. Lansden was married there, in 1857. In 1859, his health again failing, he started south, but stopped in Cairo, Illinois, where he was a clerk for a time in his brother's hotel (the St. Charles), which he afterwards rented. After the war Mr. Lansden engaged in building and operating gas works, and has built and rebuilt twenty-seven gas plants, notably those of Centralia, Champaign, La Salle, Peoria, Canton, and Monmouth, Illinois. He had charge of the St. Louis gas works for ten years, and in 1886 took charge of the works of Washington, D. C. In 1896, owing to the ill health of his wife, he retired from active business, and has since devoted his time to travel."

[1] Thomas A. Hendricks of Indiana, afterward the great democratic leader, United States senator, and vice-president of the United States, was commissioner of the general land office at this time. He had foreseen the hardship to settlers which might result from enforced public sales of lands, as in

Judge Samuel W. Black was appointed governor of the territory in February, 1859, and assumed the office on the 2d of the following May, Secretary Morton having been

this case; and in his report for the year 1856 he recommended that the law of 1841 be changed so as to limit the time within which proof of settlement and improvement under preemption should be made; and he said that "to compel consummation of entry it is necessary to proclaim the land for public sale." These public sales, by means of which squatters were brought to settle for their claims, were continued through two weeks, when all land which had been advertised for the sale and remained unsold was opened to private sale, at which purchasers might buy an unlimited amount, at $1.25 or $2.50 an acre, according to the classification of the land.

The report of the commissioner of the general land office for the year ending June 30, 1856, shows that no lands had yet been sold in Nebraska, that is, none of the squatters had seen fit to buy their claims, though most of the settled district had been surveyed.—(Ex. Docs., 1856–57, vol. 1, pt. 1, pp. 224–30.) Up to September 30, 1856, 786 preemption claims had been registered for Nebraska and 3,036 for Kansas. The report for the year ending June 30, 1857, shows that 28,590.58 acres had been sold—under the preemption act—all during the first half of the year named and all at the Omaha land office. —(Ex. Docs., vol. 2, pt. 1, p. 112.)

By act of Congress, July 22, 1854, the "Omaha land district" was established. It included all the public lands of the territory, the Indian title to which had been extinguished (U. S. Statutes at Large, vol. 10, p. 310), and the land office was at Omaha City. By the act of March 3, 1857 (U. S. Statutes at Large, vol. 11, p. 186), three additional land districts were established, the "Nemaha land district," which comprised all the territory south of the line dividing townships 6 and 7 north; the "South Platte river land district," comprising the territory between that line on the south and the Platte river on the north; the "Dakota land district," comprising all the territory north of the line dividing townships 23 and 24. The president of the United States designated Brownville, Nebraska City, and Dakota City as the places for the location of the land office for these districts.

The buying of lands by the squatters under the preemption act was no doubt incited by the first order for public sale, in 1858, though it was afterward postponed. The sales in the several districts for the year ending June 30, 1858, were as follows: Nemaha, or Brownville district, 11,481.98; South Platte, or Nebraska City district, 9,953.34 acres; Omaha district, 36,874.29 acres; total, 58,309.61 acres. None had been sold at the Dakota City office.—(Ex. Docs., 1858–59, vol. 2, pt. 1, pp. 146 to 152.) Sales for the year ending June 30, 1859, were as follows: Brownville office, 4,437.50 acres; Nebraska City, 4,808.71; Omaha, 2,911.89; Dakota City, 2,065.05; total, 14,223.15.—(Message and Docs. 1, 1859–60, pp. 204, 210.) For the year ending June 30, 1860, sales were as follows: Brownville office, 11,908.80 acres; Nebraska City, 4,210.34; Omaha, 11,741.48; Dakota City, 2,171.37; total, 30,031.99 acres.—(Message and Docs., 1860–61, pp. 92, 98.) Sales for the year ending June 30, 1861, were as follows: Brownville office, 2,644.61 acres; Nebraska City, 318.44; Omaha, 3,116.25; Dakota City, 884.93; total, 6,964.23 acres.—(Message and Docs., pt. 1, 1861–62, pp. 506, 512.) There was a large falling off in the sales of this year after the stimulus of the public sales which took place the preceding year.

The first public sales were proclaimed by the president of the United States, March 22, 1859, to begin at the Omaha office, July 5 of that year. In the Brownville land district, the lands offered were comprised in townships 1 to 6, north and south, and ranges 4 to 17, east and west; that is, from the base line on the south, to the north line of the present Nemaha county, and from the east tier of townships in the present Jefferson county to the Missouri river. For the Nebraska City district, they lay between the river on the east and range 6 east, inclusive, on the west, and between township 7, the south tier of Otoe county, and township 17, bordering on the Platte river.

The lands offered in the Dakota district extended from township 24 to township 31 inclusive, and from range 6 to range 10 inclusive. They are now comprised within the counties of Dakota, Dixon, and Thurston. The lands offered in the Omaha district lay between ranges 4 and 14 inclusive and townships 12 and 23 inclusive. Township 12 is the north tier of Cass, and township 23 is the north tier of Burt county. Range 4, the western limit, is the east tier of Butler county.

The surveyor general's office for Kansas and Nebraska was at first established at Wyandotte, Kansas, and John Calhoun, an active pro-slavery democrat, was appointed surveyor general. The office was removed to Lecompton, Kansas, in 1857, and to Nebraska City, Nebraska, in 1858; it was opened there June 1. It was again removed to Leavenworth, Kansas, in June, 1861, where it remained until the passage of the act of Congress of July 28, 1866, when the territory of Nebraska and the state of Iowa were combined in a surveying district and the office was established at Plattsmouth, where it remained until the completion of the surveys in Nebraska.

A letter from the surveyor general to T. T. Bryan, Lieutenant U. S. Topographical Engineers, dated January 3, 1857, says: "The only astronomical position in connection with the surveys of these two territories, (Kansas and Nebraska) is the initial point at the intersection of the Missouri river with the 40° of N. Lat., the extension of which westward forms the Base Line for our surveys North and South. Said point was established by Capt. Thomas I. Lee, U. S. T. E."

In his instructions to the surveyor general, September 2, 1854, the secretary of the interior directed that officer to run the base line—his first work—no further west than 108 miles from the Missouri river on account of the hostility of the Indians. This line ran along the 40th parallel of latitude—the boundary between Kansas and Nebraska. Next such parts of the territory as were most attractive to settlers were to be surveyed.—(Ex. Docs., 2d Sess. 33d Cong., vol. 1, pt. 1, p. 103.) Charles A. Manners, deputy surveyor, reported from Bellevue, October 6, 1855, that surveyors were proceeding with the work of establishing the guide meridian and standard parallels until they were stopped by the Pawnee Indians, who pulled up their stakes and otherwise harassed them. He hoped to be able to arrange peace through Major Hepner, the agent at Bellevue, and his interpreter, the missionary, Rev. Samuel Allis. On the 18th, he reports from Omaha City that the Pawnees had been persuaded

acting governor since the departure of Governor Richardson, December 5, 1858. The appointment was gratifying to the people because the new governor was popular, but

that the survey would not interfere with their claim to ownership east to the Elkhorn river.—(Ex. Docs., 1855–56, vol. 1, pt. 1, pp. 319, 320.)

The first contract for running the base line from the Missouri river to the principal meridian was let to John P. Johnson, on the 2d of November, 1854, the consideration being $1,110. The records of these early surveys in the office of the commissioner of public lands and buildings of Nebraska give particulars about the blunders of this contractor. In the lively correspondence between the surveyor general and the commissioner of the general land office at Washington, he is called "Professor Johnson of Missouri," and letters are addressed to him at Oregon in that state. The surveyor general reports that he started about November 15 to determine 108 miles of the base line and that his work was "wrong throughout." Says the officer: "In the whole history of surveying I question if so absurd a blunder was ever committed as in this case of Mr. Johnson. His line is wrong as a whole and in all its parts." It is stated further that the line was nowhere on the 40th parallel except at the start and one point where he crossed it on his wanderings to the south. "If it continues to depart from the parallel as you go west it will be more than two miles south at the guide meridian." Surveyor General Calhoun, in a letter to the commissioner of the general land office, excusing himself for approving Johnson's work, for which he seems to have received the larger part of the contract price, says that he imposed upon the principal officer of the land department and other distinguished gentlemen in Washington so as to obtain from them the strongest recommendations; and at first the surveyor general thought he was "the one man in America" who should receive the most important surveying contracts. But it seems that Johnson did not wear well with the surveyor general, who found him very annoying, and so Mr. Calhoun determined to try him upon a single contract—for running the first section of the base line. In fairness to Mr. Johnson, who is contemned, and condemned, without a hearing, in the surveyor general's report, it should be said that Charles A. Manners who corrected Johnson's work was a fellow townsman at Springfield, Illinois, and an evident friend of the officer in question.

Mr. Johnson afterward engaged in the banking business at the little town of Highland, Doniphan county, Kansas, which is located about ten miles south of the monument, and he became quite wealthy. Charles A. Manners was instructed, April 27, 1855, to test the accuracy of Johnson's base line for the first sixty miles. The commissioner of the general land office, in his original letter of instructions to the surveyor general of Kansas and Nebraska, establishes the basis of the township surveys for Nebraska as follows: "Your township corner binding on the Missouri river will be the southeast corner of township, or fractional township, No. *One* north of the base line of range No. *18* . . . and at the intersection of the point on the *Missouri* a conspicuous and enduring monument is to be erected by your deputy."—(Ex. Doc., 1854–55, vol. 1, pt. 1, p. 103.) Professor Johnson was accordingly instructed on the 2d of November, 1854, to erect, at the intersection of the parallel of 40° with the Missouri river, a monument consisting of a stone, if a single one large enough could be found, otherwise "a pile of stones of adequate dimensions constructed around a large stake," etc.; or if the necessary stones could not be found, he should construct a conical mound of earth. Johnson, who became a local financier, was of a thrifty turn, and it was easier to collect small stones than to quarry a large one from the ledges near by. April 26, 1855, a contract was made with Charles A. Manners to set up an iron post in the place of the stake and pile of stones erected by Johnson, and on the same day Messrs. Donnell, Saxton & Potee of St. Joseph, Missouri, were instructed by John Calhoun, surveyor general, to "deliver to Charles A. Manners, Esq., the Cast Iron Post consigned to your care by Captain Thos. I. Lee, U. S. A., last fall." The post was conveyed across the Missouri river in a canoe which was operated as a ferry by an Indian. It is pyramidal in form, about seven feet high, fourteen inches at the base, and eight inches at the top. It is inscribed in raised letters as follows: On its south side, running perpendicularly, the word "Kansas"; on the north side, "Nebraska"; on the west side, "40° N. Lat."; on the east side, "1854." The inscription last named is horizontal. The post was set May 8, 1855, and Mr. Manners reported that his party consisted of Edward R. Wiley and Cornelius B. Keller, front chainmen; John P. Stout, Robert L. Ream, Jr., rear chainmen; and Austin M. Garland, flagman. The monument was placed at the southeast corner of section 36, township 1, range 18 east, and it was set two feet in the ground upon a foundation consisting of a flat stone and "rammed with earth and small stones." Its exact distance from the Missouri river was 52 chains, 55 links, a little less than ⅔ of a mile. The surveyor's field notes disclose that the bluff at this point was about seventy feet high—above the river bottom—and almost perpendicular on its east face, and it was two and a half chains from the site of the monument to a perpendicular erected from the base of the bluff. In the year 1890 Fred W. Miller and David D. Reavis, in resurveying the Iowa Indian reservation, re-set the monument on its former site. Mr. Reavis writing about the incident, September 8, 1904, said:

"We went to the place as directed and after much search found the monument lying half buried on the brow of a high wooded bluff, overgrown with trailing vines and hidden by rank underbrush, amid the ruins of its former landmarks. Its location is a wilderness where man and beast are seldom seen. Small trees that marked its bearing in 1854 had grown to large ones, and others were mouldering where they stood. After much effort and study of the surroundings we relocated it at least twenty feet from where we found it lying."

The monument stands at the top of the bluff bordering the Missouri bottom, and is about 150 feet higher than the river. Its proper place was immediately at the intersection of the river by the 40th parallel, but the fact that all of the intervening bottom has since been washed away explains why it was placed back on the bluff. Records of the surveys show that in 1857 the river was 26 chains east of the bluff in question and in 1890, 6 chains and 11 links. It is now about three chains from the base of the hill.

The contract for running the first guide meridian, which was established "to regulate the earliest surveying operations in running the exterior lines of townships," was let April 26, 1855, to Joseph Ledlie.—(Ex. Docs., 1855–56, vol. 1, pt. 1, p. 308.)

more because their home rule sentiment was gratified. Black's three predecessors had all been importations, or rather exportations from far distant states, and though he had been sent from Pennsylvania as judge of the 2d judicial district in 1857, yet there was a popular feeling that he had become identified with the commonwealth. Indeed, comparatively, he was an old citizen, and there had been a popular call for his appointment through the newspapers; and there was "great rejoicing on the part of the entire press of the territory over the appointment." The Nebraska City *News*, "the first to raise the name of Black for governor," feels particularly jubilant and happy. "His brilliant talents, his legal learning, his quick, active and sagacious intellect, his generous impulses and noble soul have endeared him to us—to the whole territory." Evidently Morton was not looking over Milton Reynold's editorial shoulder that day. For Black had a besetting sin, very

THE IRON MONUMENT MARKING THE SOUTHEAST CORNER OF NEBRASKA

The above engraving is made from a recent photograph taken from a point looking north and east, showing the Missouri river in the background and the south and west surface of the monument, with "40° N. Lat." in relief letters on the west side and "Kansas" on the south. The figure standing by the monument is that of Mr. John Wright, staff artist of the Morton history

The report of the surveyor general to the commissioner of the general land office, dated November 8, 1855, makes the following complaint: "The progress of the surveys in this district, for the present year, have been retarded by the discovery of an enormous error in the base line. . . . The error in the base line lost us the benefit of the two best months in the year for surveying operations, May and June."—(Ex. Doc., 1855–56, vol. 1, pt. 1, p. 108.) The corrected base line was run by Charles A. Manners to the first guide meridian, sixty miles, in June, 1855, under contract of April 26. He contracted to again run the remaining 48 miles to the sixth meridian, March 28, 1856, and finished to that line, 108 miles, in June, 1856.

The section of the base line between the 6th principal meridian and the first guide meridian west—the line between ranges 8 and 9—was run by Manners in July, 1858; between the first and the second guide meridians west, across eight ranges, by N. P. Cook, in June, 1859; from the second guide meridian to the west line of range 26

common, it is true, among the politicians, and even those who held the high places of that time, but in his case a serious clog to usefulness. Later—April 16—the *News* copies with great show of indignation the following animadversion of the Washington correspondent of the New York *Tribune* of March 8: "The months ago. Ever since that time he has been in this city illustrating the truth of the charges against him, and is at the present time reduced to a sad condition." The raging *News* is soon to drive this comparatively mild-mannered news-monger and utterer of "base and malicious lies, manufactured solely for the

EAST FACE NORTH AND WEST VIEW SOUTH FACE

THREE VIEWS OF THE IRON MONUMENT AT THE SOUTHEASTERN CORNER OF NEBRASKA

From Photographs by John Wright, staff artist of the Morton history

opposition to the confirmation of Mr. Black as governor of Nebraska was on the ground that he was too intemperate. This was about two benefit of the black republican party," entirely off the field by its own unbridled charges along the same line.

west, by Jared Todd and James Withrow, in July, 1859; thence to the west line of range 28 by N. P. Cook, in July, 1859; thence to a point 2 miles and 52 chains, to range 42, in August, 1859. The line from this point to the western boundary of the territory, at the summit of the Rocky mountains, 18.3 miles east of the 106th meridian, was finished by Todd and Withrow in the fall of 1859.

Charles A. Manners ran the 6th meridian in June, 1856, and the first guide meridian west of it

The first Nebraska territorial fair was held at Nebraska City, beginning Wednesday, September 21, and lasting three days. Mr. Furnas, president of the first board of agriculture, gives the following account of this important function:

"Last week we attended the first Territorial Agricultural and Mechanical Fair at

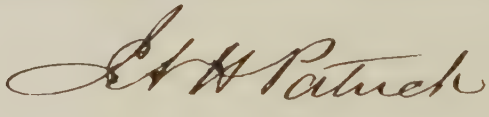
in July, 1858. The lines of township 1, range 18 east, were run by Meriweather Thompson in September, 1855, and the subdivisions by Michael McManus, June 7–14, 1856. The lines of township 2, range 18, were also run by Thompson in September, and the subdivisions by McManus from June 14 to June 28, 1856. McManus surveyed the subdivisions of township 1, range 17 east, between November 9, 1855, and February 19, 1856, and the lines of township 2, range 17 in September, 1855, and the subdivisions in June and July, 1856. The subdivisions of township 5, range 16, including Brownville, were run by Dietrich F. Tiedermann in January, 1856. The subdivisions of township 8, range 14, including Nebraska City, were run by Wallace Barnum in January, 1856. The subdivisions of township 12, range 14, including the present site of Plattsmouth, were run by Thomas Patterson, in May, 1856. The subdivisions of township 15, range 13, including Omaha, were run by William N. Byers in June, 1856. The lines of township 28, range 9, including Dakota City, were run by George A. Dunn and M. A. Armstrong in September, 1857, and the subdivisions by John K. Cook and M. A. Armstrong in March, 1858. A letter by the surveyor general to Thomas A. Hendricks, commissioner of the general land office, dated July 15, 1858, says that the first guide meridian west of the 6th principal meridian was placed eight ranges instead of seven ranges west because at the seventh it would "leave very considerable settlements on its west side, in the north part of the territory. From all sources I learned that the tendency of emigration to the territory was to the Dakota land district." After the eastern border counties had been surveyed, as a general rule, the districts comprising the western settlements were surveyed before the intervening territory. The lines of township 17, range 1 east, including Columbus, were run by Alexander Oliphant, in June, 1857, and the subdivisions by David G. Fleming in October, 1858. The lines of township 10, range 6, including Lincoln, were run by Jonathan P. Jones, in July, 1857, and the subdivisions by Richard Taylor and Thomas O'Neal, in October, 1857. Surveys were made in the Grand Island and Ft. Kearney settlements in 1860. They included townships 9 and 10, in range 9 west, township 9, in range 10, township 9 in range 11, townships 8 and 9 in range 12, and township 8 in range 13.

The L'eau-qui-court, or Niobrara settlements were surveyed in 1858 and 1859. The lines of township 32, range 6, west, including the present town of Niobrara, were run by Silas F. Hall in October and November, 1858, and the subdivisions by Charles Turner in March, 1859. The Shell Creek settlements were surveyed in 1860–61. The lines of township 17, range 3 west, including Schuyler, were run by Nathan P. Cook, in October, 1860, and the subdivisions by Douglas and McCarthy in August, 1861. The settlements on the Big Sandy in the southwest part of Clay county were surveyed in 1860, and those on the Little Blue in the north half of Nuckolls county, as early as 1859.

Most of the territory east of the 6th principal meridian was surveyed by the end of 1857, and substantially all of it by 1858. The earliest surveys west of the meridian followed the base line and the Platte river. Townships 1 to 4 in ranges 1, 2, 3, and 4, the present Thayer county; townships 1 to 5 in range 5, and 1 to 6 in ranges 6, 7, and 8 were surveyed in 1858 and 1859. Range 8 is the west tier of Nuckolls county. Along the Platte river, townships 9 and the southeast corner of 10 in range 9 were surveyed in 1859, and townships 5 to 8, in the same range, in 1860. Townships 9 and 10, in range 10, were surveyed in 1859; 5 to 8 in range 11, in 1860, and 9, in the same range, in 1859; 5 to 9 in range 12, in 1859; 6 to 8 in range 13, and 5 to 8 in ranges 14 and 15, to the west border of the Kearney military reservation, in 1859. Ranges 9, 10, 11, and 12 comprise Hall and Adams counties, and ranges 13, 14, and 15 run through Kearney county, in the northwest corner of which the site of Ft. Kearney is situated. The first report of the surveyor general for Kansas and Nebraska, dated November 8, 1855, shows that ninety townships were in process of subdivision at this time, and that the guide meridian had been run ninety-eight miles north from the base line and all the standard parallels east of the meridian had been run north the same distance and would be completed to the Missouri river within three or four weeks.—(Ex. Docs., 1855–56, 34th Cong., vol. 1, pt. 1, p. 308.) The surveyor general's report for the year ending September 30, 1856, shows that the first guide meridian had been completed north to the Missouri river, that seven standard parallels between the meridian and the river had been run; and that the contract had been let for establishing the principal meridian and the standard parallels between that and the guide meridian; and one hundred and twenty miles of the principal meridian and four standard parallels had been completed. The whole number of acres reported as surveyed up to this time, and prepared for market, according to returns to the surveyor general's office, was 2,073,600.—(Ex. Docs., 1856–57, vol. 1, pt. 1, p. 527.) This report says: "Most of the lands east of the guide meridian have been surveyed." William N. Byers, afterward a member of the 1st territorial legislature and founder of the Rocky Mountain *News*, at Denver, Colorado, and Lorin Miller, father of Dr. George L. Miller, and subsequently a mayor of Omaha, were among the first contractors for surveying subdivisional lines. The report of the commissioner of the general land office for 1856 shows that by the end of June 168,899 acres, and by the end of September 336,304 acres had been returned as surveyed to that office.—(Ex. Docs., 1856–57, vol. 1, pt. 1, p. 190.) During the year ending June 30, 1857, 1,723,402 acres were returned.

From September 30, 1856, to September 30, 1857, 2,420,062.83 were returned as surveyed to the general land office.—(Ex. Docs., 1857–58, vol. 2, pt. 1, pp. 79 and 94.)

The report of the surveyor general in 1857 shows that during the year ending September 30 the surveyors in the Nemaha, or Brownville district were at work within ranges 5 to 16 east of the 6th principal meridian. Range 5 is on the west side of the present Gage, Lancaster, and Saunders counties,



Nebraska City. The result of this, not only the first Nebraska Territorial Fair, but the first Territorial Fair ever held in the United States, was most gratifying. It was a perfect success, when we take everything into consideration. The times are hard, and many at a distance felt that they could not incur the expense of attending. The regular steamboat packets were all out of order—one sunk, and the other fast on a sand bar—and going to and fro in that way cut off; we are in the midst of election excitement, and everybody thinking and talking politics. Taking everything into consideration, we repeat, the result was all the most sanguine friends of the enterprise could expect. . . .

"The exhibition of stock, farm products, mechanism, works of art, etc., were creditable indeed. Of course there was not that variety to be found in the county or state fair in the states. What there was, however, was unsurpassed anywhere. The attendance on the last two days especially was large,—all classes were there, from the chief executive to the humblest citizen."[1]

The records show that neither the president nor the orator of the occasion was a pretender, but that both had experimental knowledge of agriculture. Mr. A. D. Jones, of the board of agriculture, in his invitation to Morton to deliver the address, assures him that he is eminently qualified to edify an audience of practical agriculturists by reason of his "position as a successful agriculturist,"[2] and in the list of premiums awarded we find these entries: Blooded horses, J. S. Morton, best stallion over four years old, $4; and again, best stallion for draught over four years old, $10; and still again best Suffolk boar, one year old, $5; and President Furnas is credited with three first premiums for Devon cattle. But the most notable feature of the fair was,

---

Township plats comprising 1,034,856.90 acres were reported to the land office as surveyed in this district during the year. In the South Platte, or Nebraska City district, the surveying was done in ranges 9 to 15 east, and township plats covering 743,196.48 acres were reported; in the Omaha district the surveying was done in ranges 9 to 14 east, and plats for 689,129.36 acres were reported.—(Ex. Docs., 1857–58, vol. 2, pt. 1, pp. 276–78.)

The report for the year ending September 30, 1858, shows that the surveying was done in the Nemaha district in ranges 1 to 17 east; in the South Platte district in ranges 1 to 16 east; in the Omaha district, in ranges 3 to 14 east; in the Dakota district, in ranges 6, 7, 9, and 10 east. The number of acres surveyed in each of these districts, the township plats of which were reported to the respective land offices, are as follows: Nemaha district, 882,753.92; Omaha district, 996,884.89; South Platte district, 1,320,842.64; Dakota district, 124,615.97. The total acreage surveyed in the respective districts up to this time was: Nemaha, 1,917,610.82; Omaha, 1,686,014.25; South Platte, 2,063,893.78. This was the first year that surveys were reported from the Dakota district.—(Ex. Docs., 1858–59, vol. 2, pt. 1, pp. 284–87.) The report for the year ending September 30, 1859, shows the first work west of the principal meridian, and the surveys for the territory reported to the several land offices were as follows: Total number of plats, 144; total number of acres, 2,860,462.97. In the Nemaha district the work was done in ranges 1 to 8 west, a total of 364,115.48, and there had been previously reported 1,917,610.82 acres. In the South Platte district the work was done in ranges 1 to 8 east, total acres reported 613,611.57, previously reported, 2,063,893.78. Omaha district, ranges 1, 2, 3, and 8 east; number of acres, 251,884.80, previously reported 686,014.25. Dakota district, ranges 1 to 10 east and 1 to 8 west, total acreage forwarded 1,630,851.12, previously reported, 124,615.97.—(Message and Docs., 1859–60, vol. 1, pp. 311–13.)

The surveyor general's report for the year ending September 30, 1860, showed that township plats had been reported from the Brownville district amounting to 91,536.61 acres, in ranges 7 and 8 west, and townships 5 and 6 north, previously reported 2,281,726.30; from the Nebraska City district, 107,624.19 acres in ranges 9 to 13 west, and townships 8 to 10 north, previously reported, 2,677,505.35; from the Omaha district, none, but previously reported, 1,937,899.05; in the Dakota City district, 563,917.05 in ranges 1 to 5 east and 1 to 3 west, and townships 23 to 30 north, previously reported, 1,755,467.09. Total reported from the territory to this time, 9,415,675.64.—(Message and Docs., 1860–61, pp. 186–87.)

The surveyor general's report for 1861 shows that for the year ending September 30, the total number of acres returned as surveyed was 449,621.53, 246,151.36 in the Brownville, and 203,470.17 in the Nebraska City district. The lands surveyed up to this time extended from the base line north to the Missouri river and covered an average width, west of the river, of eighty miles, in ranges 5, 6, 9, 10, and 11, in the Brownville and 9 to 16 in the Nebraska City district, exclusive of the home reservations for the Omaha, Otoe, and Pawnee Indians. The total acreage surveyed in the territory up to this time was 9,865,297.17.—(Message and Docs., 1861–62, p. 601.)

The report for the year ending September 30, 1862, shows that the surveyors had been running the 1st and 2d standard parallels north, from the 2d to the 4th guide meridians west; the 3d parallel north between the 1st and 4th guide meridians west; the 4th, 5th, 6th, 7th, and 8th parallels north between the 1st and 2d guide meridians west. Township plats were sent to the South Platte office from ranges 1, 2, and 3 west, 129,645.53 acres; to the Omaha office from ranges 1, 2, and 3 west and 4 and 9 east, in townships 16 to 20 in these ranges, in the main in full. Ranges 1, 2, 3, and 4 west are in the tier comprising the present Thayer, Fillmore, York, and Polk counties.—(Ex. Docs., 1862–63, vol. 2, p. 105.)

[1] Nebraska *Advertiser*, September 29, 1859.

[2] Nebraska *News*, July 23, 1859.

or rather is, the address[1] by J. Sterling Morton. It was delivered, as President Furnas states in his introduction of the speaker, "from the improvised rostrum of a farm wagon, placed in the shade of this native oak tree." The address is important because it is a his-

[1]The address was as follows:

*Mr. President and Gentlemen:*

"Called upon to address you, the farmers of Nebraska—you whose calling I so much honor and love—I was flattered, and in a moment of self-reliant enthusiasm I accepted the call, and have undertaken the duty which it imposes.

"It had been my intention at first thought to gather together accurate and reliable statistics concerning the agricultural interests and capacities of the territory; but having made a trial at collecting data of that description, I have given it up as impracticable, from the fact that no regular accounts nor correct statements relative to the products and exports have been kept in any county in the territory. Even the returns of the assessors of taxes in the various counties, as sent up to the auditor of the territory, are very inaccurate, and convey no well defined idea of the amount of land in cultivation, nor any information upon which a reliable estimate of the capital employed in agriculture can be based. I have, then, only my own observation, dating from November, 1854, together with a somewhat limited experience, to draw upon and can assure you that such information is far less satisfactory to me (and probably will be to you), than statistical facts and figures. But such knowledge as I have concerning the beginning and the success of farming in this territory, I give to you with pleasure. . . .

"The Indian title to the Omaha and Otoe lands, which comprised respectively the land lying along the Missouri river, north of the great Platte, and that similarly situated south of the last mentioned stream, was not extinguished until late in the spring of 1854, and the Kansas-Nebraska bill did not pass the House of Representatives until the 24th of May of the same year, so that the season was too far advanced for the emigrants of that summer to put in crops, except in a very few instances, and I think it safe to say that not more than a single section of land was tilled in the whole territory of Nebraska in 1854; in fact the only considerable patches of corn that I remember seeing that fall were raised by the Mission at Bellevue and by the town proprietors of Nebraska City on the town site. I remember that we commenced the winter of 1854–5, a little colony of hopeful boarders, purchasing everything that we ate, and even feed for our horses and cattle, in the neighboring states of Iowa and Missouri, and they, even, had very little to spare.

"The winter was exceedingly mild, and with the early spring-time came the farmers with their breaking teams and the big plows, and the sturdy hand of industry was for the first time bronzing in the sunlight that gladdened the beautiful prairies of our new-found homes. Yet what did they know of the rich soils of this untried land? Its productiveness was, to them, a sealed book. No human test had ever demonstrated their worth, and yet the farmer turned the heavy sod and planted his corn for the first time with an abiding faith that his labors would be rewarded, and his all that he had invested in the experiment would be returned to him tenfold, and that his wife and little ones, whose very lives were staked upon the soil and its capacities, would be fed, clothed and cared for by the generous returns of the earth.

"The man who builds the first house, gathers his family around the first home fireside, and plants the first seed, and risks his all upon the first crop, in a country whose lands have been forever untried, and upon which the slumberers of barrenness have rested down for unnumbered centuries, must needs be, and is braver and grander in his heart than he who leads an army into battle, and moves unawed amid the emissaries of Death himself.

"The spring and summer of 1855 were seasons of intense anxiety to the first tillers of this soil, but the harvest sun shone propitiously, and the benignant rains and the growth-giving dews were plenteous, and when the autumn came with its sere and yellow leaf, the great experiment had been successful; and to the questions, Can Nebraska ever be settled up? can she ever sustain any considerable population? the joyous fields of golden grain nodded an indisputable affirmative, and gracefully beckoned the weary emigrant to a home of healthfulness and abundance.

"The glad tidings of our first success in agriculture were heralded far and near through the medium of our pioneer press, and a new impetus was thus given to the emigration of that fall and the following spring. But here came also a spirit of evil among us, a spirit of reckless speculation and a seeking for some new method to acquire wealth, some method which required neither mental nor manual labor.

"The legislative assembly in January, 1856, deeming it necessary to have more money in the country, had very unwisely concluded that the creation of banks of issue, by special charter, would accomplish that much desired object. And so six banks were created, or one bank for every five hundred men in the territory, and each bank had power to issue as many dollars of indebtedness as the circumstances of its individual stockholders might demand for their own pecuniary necessities or ambitions. And what were the consequences? Rag money was plenty, everybody had credit, and it was no heavy undertaking to secure discounts. Town property, though very plenty, as many, very many thousand acres of land had been planted with small oak stakes, was not so amazingly abundant as 'Fontenelle,' Nemaha Valley and Western Exchange bank bills, and, as is always the case in commercial matters, the scarcer article went up in price, and the plentier went down; that is to say, money was plentier than town lots, and consequently cheaper. And now indeed did the unsophisticated and enthusiastic believe that the method of making money without either mental or manual labor had most certainly been invented and patented in and for the territory of Nebraska. So far did this idea diffuse itself throughout the community that it reached and took entire possession of the executive head of the territory, insomuch that in a message to the legislative assembly of the territory, Governor Izard mentioned, as an evidence of our flush prosperity, the fact that town lots had advanced in price, in a few months, from $300 to $3,000 apiece.

"Unfortunately for the wise constructors of those patent mills for money making, there was no reality nor soundness in the prosperity of that day. It did not arise as all wealth and true capital must arise, from that great substratum of prosperity which underlies and supports the whole civilized world,

tory of the first eventful formative five years of the territory—a remarkably realistic and lucid history by an active, keen-eyed participant in the events he pictures—and because it brings us for the first time face to face with a notable figure of the commonwealth. In his

and is called agricultural development, yet the popular mind was apparently satisfied, and lulled itself into the belief that the honest arts of industry and economy belonged to a former generation, and that here indeed they were certainly useless and obsolete. Who would bend the back, nerve the arm to labor, and sweat the brow in cultivating the soil, when by the aid of a lithographer and the flatulent adulation of some ephemeral newspaper a half-section of land could be made to yield three thousand town lots, at an average value, prospectively, of one hundred dollars each? Whom could we expect to desert the elegant and accomplished avocation of city-founder and dealer in real estate, for the arduous and homely duties of the farmer?

"We acquired great velocity and speed, in fact became a surpassingly 'fast' people. We aspired at once to all the luxuries and refinements of older and better regulated communities in the east. We emerged suddenly from a few rough hewn squatters, arrayed in buckskin and red flannel, to a young nation of exquisite land sharks and fancy speculators dressed in broadcloths.

"The greater portion of the summer of 1856 was consumed in talking and meditating upon the prospective value of city property. Young Chicagos, increscent New Yorks, precocious Philadelphias and infant Londons were duly staked out, lithographed, divided into shares, and puffed with becoming unction and complaisance. The mere mention of using such valuable lands for the purpose of agriculture was considered an evidence of verdancy wholly unpardonable, and entirely sufficient to convict a person of old-fogyism in the first degree.

"Farms were sadly neglected in the summer of 1856, and there were not as many acres planted that season in proportion to the population as there were the year before, but the crop of town plats, town shares, town lots and Nebraska bank notes was most astonishingly abundant.

"We were then a very gay people; we carried a great number of very large gold watches and ponderous fob chains; sported more fancy turn-outs, in the way of elegant carriages and buggies; could point to more lucky and shrewd fellow citizens who had made a hundred thousand dollars in a very short time; could afford to drink more champagne, and talk and feel larger, more of consequence, and by all odds richer than any yearling settlement that ever flourished in this vast and fast country of ours.

"We all felt, as they used to print in large letters on every new town plat, that we were 'located adjacent to the very finest groves of timber surrounded by a very rich agricultural country, in prospective, abundantly supplied with building rock of the finest description, beautifully watered, and possessing very fine indications of lead, iron, coal and salt in great abundance.' In my opinion, we felt richer, better, more millionairish than any poor, deluded mortals ever did before, on the same amount of moonshine and pluck.

"But the seasons were prompt in their returns, and the autumn winds came then as they are coming now, and the ripening sunbeams descended upon the earth as they do to-day; but the fields of grain that they wandered and glistened among were neither as many nor as well tilled as they should have been.

"And the fall of 1856 came and passed, and not enough had been raised and garnered to half supply our home wants.

"Town lots we could neither eat nor export; they were at once too expensive for food, and too delicate for a foreign market. All that we had in the world to forward to the eastern marts was a general assortment of town shares, ferry charters, and propositions for receiving money and land warrants to invest or locate on time.

"The balance of trade was largely against us. We were now, more than ever, a nation of boarders—eating everything eatable, buying everything consumable—but producing absolutely nothing.

"The winter of 1856 and '57 came, and the first and second days of December were most admonitory and fearful harbingers of suffering; they came like messages of wrath to rebuke the people for the folly, the thriftlessness and extravagance of the summer that had passed unheeded and unimproved. The storm that lasted those two days through and ushered in the terrible life-taking winter of that year, will never be forgotten by those of us who were here and experienced it.

"The legislative assembly convened in January, 1857, and again was the wisdom and sagacity of Solon and Lycurgus called into active service. A grand rally was had for the purpose of raising more means and more money by legislative legerdemain. New towns were incorporated and new shares issued; insurance companies were chartered with nothing to insure and nothing to insure with; and finally another nest of wild cat banks was set for hatching, it having been deliberately decided that the easiest way to make money was through the agency of paper mills, engravers, and the autographs of fancy financiers. Not less than fifteen new banks were contemplated and projected. Preparations were thus coolly and deliberately made for issuing evidence of debt, amounting in the aggregate to millions of dollars, and a confiding and generous public were expected to receive them as money. Fortunately for you, for the territory, for our reputation for sanity, the great infliction was escaped, and out of the entire number, De Soto and the never-to-be-forgotten Tekama, were all that ever saw the light; thus, this second attempt to legislate prosperity into the country by the manufacture of an irresponsible and worthless currency, failed most signally. Its only fruits have been seen in the thousands of worthless pictures which bear the impress of the Tekama bank, and have finally exploded in the pockets of the merchants, mechanics and farmers of this territory, and thereby defrauded them of some hundred thousands of dollars' worth of capital and labor.

"In the midsummer of 1857, while credulous men were buying town lots at enormous prices, and sapient speculators were anxiously looking up enough unoccupied prairie land to uphold a few more unnamed cities, while the very shrewd and crafty operators in real estate were counting themselves worth as many thousand dollars as they owned town lots, while enthusiastic seers observed with prophetic eye city upon city arise, peopled with teeming thousands, while the public pulse was at fever heat, when the old fogies themselves were beginning to believe in the new way of making money without labor, the financial horizon began

exaltation of the home builder the young man of twenty-seven forecasts a leading characteristic and channel of influence of his maturer manhood. The closing, or prophetic

to darken. At once hope whispered that it was only a passing cloud, but judgment predicted a full grown storm. And one pleasant day, when lots were high, and town shares numerous and marketable, the news came that one Thompson—John Thompson—had failed, and also that the hitherto invulnerable Ohio Life and Trust company had departed its pecunious and opulent existence. The streets in cities hereabouts were occupied by knots and groups of wise and anxious men; the matter was fully and thoroughly discussed; and it was generally conceded that, though it did sprinkle some, it probably would rain very little, if any.

"But again and again came the thunderbolts, and the crash of banks and the wreck of merchants, the fall of insurance companies, the decline of railroad stocks, the depreciation of even state stocks, and, finally, the depletion of the National treasury, the quaking of the credit of all the monied institutions, in fact of the governments themselves, of both the old and the new world, demonstrated, beyond a doubt, that the storm had indeed begun, and furthermore that it was a searching and testing storm.

"Just as in your own farm yards, when a sudden storm of rain, lightning and tempest has broken out from a sky almost all sunshine, you have seen the denizens of the pig sty, the stables and the poultry coops, run, jump, squeal, cackle, neigh and bellow in their stampede for shelter; so vamosed the city builders, speculators, bank directors and patent cash makers of Nebraska, while the terrible financial tornado of 1857 swept over the world of commerce.

"The last day of the summer of 1857 had died out, and was numbered upon the dial plate of the irrevocable past. The September sun had come, glittered, warmed and ripened, and the time of harvest had gone by. November, cold, cheerless and stormy, came on apace, and whispered in chilling accents of the approach of winter. It became the duty of every man to look to his own pecuniary condition and to prepare well for the season of cold; and the examinations then made by you, by all of us, proved this: They proved that the season of planting in 1857, like that of the year previous, had slipped by almost unnoticed, and unimproved by a great many of the people of Nebraska. We had not raised enough even to eat; and as for clothing, it looked as though nakedness itself would stalk abroad in the land.

"If the great states of Illinois and Wisconsin found themselves, that fall, in an almost hopeless bankruptcy, if their people were heard to cry aloud against hard times, while yet each state had produced millions of dollars' worth of grain for exportation, what, then, must have been our condition? . . .

"The irrepealable law of commerce which declares that, 'Whenever the supply of any article is greater than the demand, that article must decline in market value,' was most clearly proven in Nebraska. The supply of town lots, after the monstrous monetary panic of 1857, was as large as ever.

"There were at least one million of town lots in towns along the Missouri river, between the Kansas line and the L'eau-qui-court; but where was the demand? It had ceased! It had blown away in the great storm, or been crushed out in the great pressure. We had nothing else to offer for sale, except real estate, and even that of a very doubtful character. We were yet a colony of consumers; we were worse off than ever; we were now a nation of boarders, and had nothing to pay board with, and very little valuable baggage to pawn for the same. The greater number of our banks had exploded, and the individual liability of stockholders, as marked on each bill, proved to mean that the bill holders themselves were individually responsible for whatever amount they might find on hand after the crisis. I think we were the poorest community that the winter sun ever looked down upon; that the history of new countries can furnish no parallel for our utter and abject poverty.

"I believe, on the first day of January, 1858, there was not, upon an average, two dollars and fifty cents in cash to each inhabitant of the territory. Hard times were the theme of each and every class of society, and all departments of industry. Merchants, mechanics, speculators and bankers were continually lamenting their desperate fortunes, and their many failures and losses.

"There was one small class of individuals who, although they may have been sadly pinched by the pressure of the times, noted no failures in their ranks, and who, when winter set in, were comparatively well off, in fact relatively opulent and luxurious in their circumstances. They were the very few farmers who had passed through the era of speculation untempted by the allurements thereof. They who had followed the plow steadily and planted their crops carefully. They, and they alone, of all the people of Nebraska, could board themselves. There is no doubt but that poverty induces thought. It may paralyze the physical energies for a time, but it will induce reason and reflection in the thoughtless, and judgment and discretion in the reckless, after all other arguments have failed. I believe that owing to our extreme poverty we were led to more thinking and reasoning during the winter of 1857 and '58 than up to that time had ever been accomplished in the territory. As you have seen your grandfathers, during the long winter evenings, sit down by a large fire-place where the huge back log and the big blaze burned so brightly, away back east somewhere, at your old homesteads, as when the old man, after reading his newspaper, would wipe his spectacles, put them up by the clock on the mantelpiece, and seating himself there in the genial firelight, place his head between his hands, and his elbows on his knees, and have a good, 'long think;' just so with us all in Nebraska that winter. We had a 'think'; a long, solemn, gloomy 'think'; and among us all we thought out these facts: That the new way of making money by chartering wild cat banks had proved a most unprofitable delusion and an unmitigated humbug. We thought that building large cities, without any inhabitants therefor, was a singularly crack-brained species of enterprise; and furthermore, that everybody could not live in town who lived in the territory, unless the towns were laid off in eighty acres or quarter section lots. We thought, to sum up all hurriedly, that it was useless to attempt to legislate prosperity into the country; that it was impossible to decoy wealth into our laps by legal enactments; that we had, in fact, been a very fast, very reckless, very hopeful, enthusiastic and self-deceived people; that while we had assumed to play the part of Dives, we were really better fitted for the performance of the character of Lazarus.

part of the address discloses the ability to "see straight and clear" and to believe accordingly, while others, of only ordinary vision, doubted or disbelieved.

"The scheme for obtaining wealth without labor, prosperity without industry, and growing into a community of opulence and ease without effort had been a complete failure.

"The spring of 1858 dawned upon us, and the icy hand of winter relaxed its hold upon the earth, and the prairies were once more clothed in sunshine and emerald.

"The result of all our thinking during the long and dreary winter was now about to be embodied in active efforts to enhance our real prosperity and substantial wealth. It had been fully and justly determined that the true grandeur and prosperity of a people were concealed in their capacity for industry, honesty and patient endurance.

"If there were fortunes to be made in Nebraska, they were to be acquired by frugality and persevering exertion alone. The soil was to be tilled and taxed for the support of the dwellers thereon; and out of it, and it alone, was all true and substantial independence to be derived. For the first time during our political existence we realized our true condition, and comprehended the proper method of ameliorating and improving it. The numerous signs marked 'banker,' 'broker,' 'real estate dealer,' etc., began, one by one, to disappear, and the shrewd and hopeful gentlemen who had adopted them were seen either departing for their old homes in the east, or buckling on the panoply of industry, and following quietly the more honorable and certainly paying pursuit of prairie-breaking and corn-planting.

"The gloom of despondency and the long night of poverty were about passing away forever. The clouds were breaking. The effulgence of a better and brighter day sent its first glad beams to reanimate and rejoice the dispirited, and encourage the strong and hopeful. Labor at once began, and its hundred voices made the air resonant with its homely music. All about us, on every side, the prairie plow was at work, turning over, as it were, the first pages in the great volume of earth, that a stream of plenty and contentment might flow forth and bless the country, even as the rock itself sent up sweet waters to quench the thirst of Israel's children when smote by the strength of Aaron.

"Everywhere these rich and rolling prairies, which had lain for unnumbered centuries as blank leaves in the history of the world's progress, were being written upon by the hand of toil, snatched from the obscurity of uselessness, and forever dedicated to the support of the Anglo-Saxon race. The sunshine seemed brighter, and the rains and the dews more beautiful and refreshing, because they descended upon the earth and found it not all a wild and desolate waste. Seed had been sown, farms opened, and every energy had been taxed to make the territory of Nebraska self-sustaining. It was the first genuine effort in the right direction. The people were aroused to the fact that agriculture, and that alone, was to be for many years the sole support, the sheet-anchor and the salvation of the territory. Emulation was excited; each endeavored to outwork the other in the good cause. In many of the counties fairs were held last fall, and agriculture had at last, after three years of neglect, assumed its true position in Nebraska.

"As you well remember, the season was favorable, the crops were heavy. We had enough, aye more than enough, and the last spring witnessed our first shipment of a surplus product of grain to a foreign market. The first steamers that came up the Missouri in 1857 brought us corn to keep us and our stock from perishing by hunger and starvation. We paid for it at the rate of two dollars per bushel. But now, by the energy of our farmers, Nebraska in less than two years has been transformed from a consumer to a producer. And the steamboats of the old Missouri bore away from our shores in the spring of 1859 hundreds of thousands of bushels of corn to the southern and eastern markets, which we did not need for home use, and for which, at the rate of forty cents per bushel, we have taken more money than we have for town lots in the last eighteen months, or will in the next twenty-four.

"Thus, imperfectly and hurriedly, I have narrated the history of agriculture in Nebraska, down to the planting of last spring's crop; what that was, and how much the greater breadth of land cultivated is than ever was before, the new farms that meet the eye on every side, and the vast fields of ripening grain that have magically usurped the place of the rank prairie grass, eloquently proclaim.

"If our brief and only half-improved past has been thus encouraging and thus indicative of prosperity; if, notwithstanding the mercilessness of the panic and the scarcity of money, the present time—to-day—finds Nebraska richer in the true elements of prosperity, stronger in the golden capital of skillful industry and contented labor than she ever was before, who shall predict her future? Who shall attempt to portray the fulness and glory of her destiny?

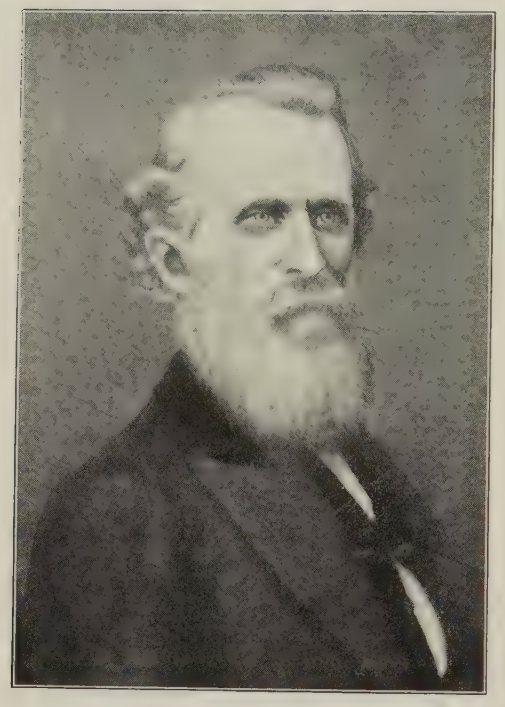
"The Anglo-Saxon race are being driven by the hand of God across the continent of America and are to inhabit and have dominion over it all.

"These prairies which have been cleared and made ready for the plow by the hand of God himself are intended for the abiding place of the pioneers in the progress of the world.

"The American Indian, in whom there are none of the elements of thrift, held a tenancy upon these fertile plains for centuries, but there was neither labor in his arm nor progression in his spirit. He was an unworthy occupant of so goodly a land, and he has been supplanted. He is gone and his race is fast becoming extinct—the world is too old for its aborigines. Their destiny is completed; they are journeying to their fate; they must die, and a few years hence only be known through their history as it was recorded by the Anglo-Saxon while he pushed them before him in his onward tread.

"We stand to-day upon the very verge of civilization—riding upon the head wave of American enterprise; but our descendants, living here a century hence, will be in the center of American commerce—the mid-ocean of our national greatness and prosperity.

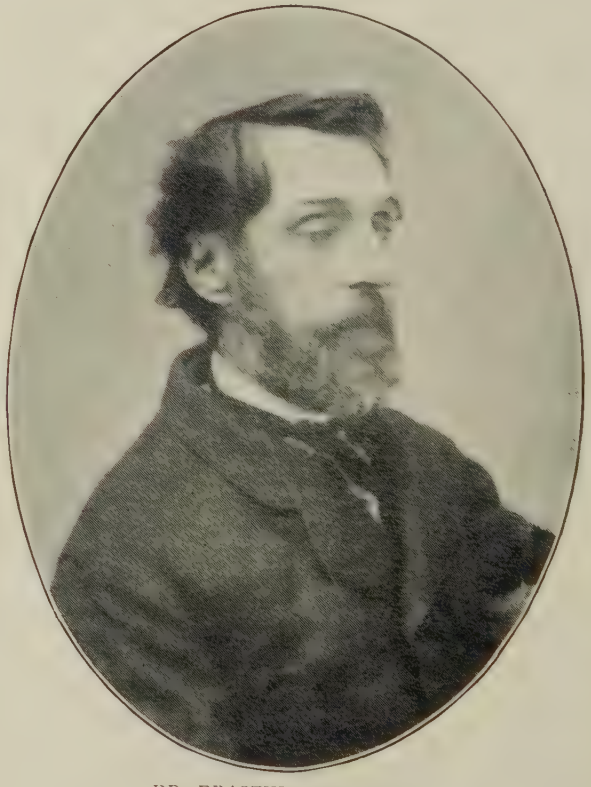
"Upon this very soil, the depth and richness of which is unsurpassed in the whole world, in a country whose mineral resources, as yet wholly undeveloped, are certainly magnificent and exhaustless; whose coal beds are as extensive as its prairies; whose rivers and springs are as healthful as they are numerous—in such a country—agriculture must and will carve out for an industrious people a wealth and a happiness the like of which the world has never dreamed of before.



JOHN TAFFE

DR. JOHN E. SUMMERS, SR.

WILLIAM D. BROWN



DR. ERASTUS N. UPJOHN

The regular biennial contest over the election of delegate to Congress was decided in favor of Ferguson, February 10, 1859, by a vote in the house of representatives of 99 to 93.[1] As in the Bennet-Chapman contest, the elections committee had reported in favor of seating Chapman, the contestant, by a vote of 6 to 2. The majority found that the total vote of Florence, as returned by the canvassers, was 401, of which Ferguson had

"Manufacture and skill in the various arts may, and will undoubtedly aid us in our pursuit of a glorious and independent opulence; but our great trust and strong hope is still hidden in the fertility of our soil and its adaptation to general cultivation.

"The agriculturalist may be proud of his calling for in it he is independent; in it there is no possibility of guile or fraud, and for his partners in labor God has sent him the genial sunshine, gentle rains, and the softly descending dews. The very elements are made his assistants and coworkers; the thunderbolt that purifies the atmosphere and furnishes electric life to the growing crops is his friend and his helper. It may be urged, and often is, that the calling of the farmer is an arduous and homely one; that it is arduous no one can deny, but it is equally honorable.

"The idea that a man can not be a true gentleman and labor with his hands is an obsolete, a dead and dishonored dogma. All labor is honorable. The scholar in his study, the chemist in his laboratory, the artist in his studio, the lawyer at his brief, and the preacher at his sermon, are all of them, nothing more, nothing less, than day laborers in the world's workshop—workers with the head. And the smith at his forge, the carpenter at his bench, mechanics and artisans of every grade and kind, and the farmer, are the same day laborers—workers with the hand. The two classes represent the two divisions of labor, and they are mutually dependent upon each other; but if among them all there is one art more health-giving, one art more filled with quiet and honest contentment than another, it is that of agriculture. And yet agriculture, although it is the art supportive of all arts, although it is the basis and foundation upon which the superstructure of all the commerce of the world is reared, is less studied, less thought of and more remote from its perfection than all others. During the last ten years it has, however, begun to attract a greater degree of attention, and has taken a few steps towards that high place in the world's business which awaits it.

"The county, state and national fairs, which are now proven so useful, are the protracted meetings of husbandmen, where agricultural revivals are initiated and thousands annually converted to the faith of the great church of human industry. And this is the first revival of the kind ever instituted in a territory. To Nebraska belongs the honor and the good name of having placed a bright and worthy example before the sisterhood of children states which bound her on the south and west.

"Let us continue in the good work; let every heart's aspiration, every thought and effort be to make each succeeding fair give better and stronger testimony in favor of the resources and wealth of our vast and beautiful domain. And while in the east the youth are being prepared for the so-called learned professions—law, divinity and medicine, let us be content to rear up a nation of enlightened agriculturists. Men sturdy in mind and thought, even as they are robust in body and active in all that pertains to the full development and perfection of the physical system of mankind, let it be our high aim, by our enlightened and well-directed training of both the body and the mind, to elevate and improve our race and make the western man the model, both physical and intellectual, from which all the world may be happy to make copies. With such an ambition in the minds of our people, and an energy to gratify it, the future of this commonwealth is such a one as thrills the patriot's heart with grateful pride, and makes one sad to think that death may close the eye before it shall have rested upon the beauties of the garden state that will have been builded up on these shores within the next ten years. When the valleys of the L'Eau Qui Court, the Great Platte, the Weeping Water and the two Nemahas, shall have been shorn of their native wildness and be resonant with the song of the husbandman, the rumble of mills, the splash of the paddle wheel and the puff of the steam engine; when away out upon those undulating plains, whose primeval stillness is now unbroken, save by the howl of the wolf, or the wind sighing through the rank prairie grass, the American citizen shall have builded up homes, hamlets and villages; when the steam plow, with its lungs of fire and its breath of vapor, shall have sailed over the great land-ocean that stretches its luxuriant waves of soil from the western bank of the Missouri to the base of the Rocky mountains, leaving in its wake thrifty settlements and thriving villages, as naturally as a ship riding upon the sea leaves the eddy and the foam, sparkling in the sunlight that gilds its path through the waste of waters; when only fifty miles westward from the Missouri river the strong saline waters of Nebraska shall have arrested the attention of the capitalist and attracted the skill of the manufacturer, and shall have become, as it must and will, the salt producer for the whole northwest; when the rock-ribbed mountains that form our western boundary shall have been compelled to give up to mankind their long-hidden and golden treasures; when afar off up the winding channel of the great Platte, the antelope, the buffalo and the Indian shall have been startled by the scream of the locomotive car as it roars and rumbles over the prairies and the mountains, hastening to unite the states of the Atlantic and the Pacific into a unity and fraternity of interests, a future greater and brighter than words can picture is to be achieved, and you, the farmers of Nebraska, are its prime architects, and its master workmen.

"Be inspired, then, to hasten the carving out of that destiny of indisputable superiority which God has assigned the American people; and so inspired, and so laboring in the great field of the world's advancement when Death, the harvester whom no seasons control and no laws restrain, gathers you to his dark and noiseless garner, may you go like the grain that has thrived and ripened in the brightest sunshine, pure and untainted by the mildews of the world back to Him who planted mortality on the earth that immortality might be reaped and garnered and loved in Heaven."

[1] *Cong. Globe*, pt. 1, 2d Sess., 35th Cong., p. 943.

received 364 and Chapman 4, and that this vote should be thrown out entirely, insisting that it was greatly inflated, and that a year later it was only one-third as large—159. Making some additional changes in minor precincts, they gave Chapman a majority of 376. The minority consented to throw out only 15 votes, which had been received at Florence after the hour for closing the polls, and, contending that only 159 votes had been counted by the canvassers for Florence, gave Ferguson 34 majority.[1] The territorial board of canvassers had given Ferguson 1,654 and Chapman 1,597. While the final vote does not show a division along party lines, yet there was a leaning toward Ferguson on the part of the most pronounced republicans, and on the part of the leading democrats toward Chapman. The three famous Washburne brothers — Elihu of Illinois, Cadwallader of Wisconsin, and Israel of Maine —already all republicans, voted to seat Ferguson; and Israel, who, with Boyce of South Carolina, signed the minority report for Ferguson, ably conducted his case on the floor of the house. The testimony of our whilom councilman and capital commissioner, James C. Mitchell, tells us of the population of Florence at that time. It was charged by Chapman that a large illegal Mormon vote had been polled, and in answer to a question as to total population and the number of Mormons, Mitchell said: "I think not less than two thousand population and not more than one hundred actual Mormons."[2] Though the testimony was very conflicting, Mr. Washburne urged with great force that Chapman's part of it was ex parte and hearsay, while Ferguson's was given by actual residents and in regular form.

JOHN POWERS JOHNSON[3]

The year 1859 marked the culmination of sectional strife, and its last manifestation was in the attempt by the South Platte section to secede and become attached to Kansas. There appears to have been no mention of this project until J. Sterling Morton introduced a memorial to Congress in its favor, in the lower house of the legislature, on the 17th of January, 1856. The very boldness and originality of the important movement which the memorial started would alone point to Morton as its author:

"*To the Honorable, the Senate and House of Representatives of the United States in Congress Assembled:*

"Your memorialists, the House of Representatives of the legislative assembly of the territory of Nebraska, desiring not only the welfare of the territory of Nebraska, but wishing harmony and quiet throughout the entire domain of our cherished government, respectfully represent to your honorable bodies that the annexation to Kansas of all that portion of Nebraska south of Platte river will be to the interests of this territory and to the general good of the entire Union.

[1] Reports of Committees, vol. 1, 2d Sess., 35th Cong., No. 156.

[2] *Cong. Globe*, p. 1, 2d Sess., 35th Cong., p. 919.

[3] John Powers Johnson, youngest son of Charles and Mary (Houston) Johnson, was born near Lebanon, Bond county, Illinois, December 6, 1817, and died at Highland, Kansas, June 1, 1898. His father was a native of North Carolina, a farmer in good circumstances, and a man of more than ordinary ability. He removed to Tennessee, and in 1816 settled in Bond county, Illinois. He married Mary Houston, a native of the same state, who became the mother of nine children. John P. Johnson received little or no schooling until his sixteenth year, when he determined to secure a college education. First fitting himself for teaching, he acquired by this means the money with which to pursue a preparatory course at McKendree college, Lebanon, Illinois, where he matriculated in 1839. He continued his course there until

"The great Platte river is a natural boundary mark, and seems as though intended by nature for the dividing line between two great states. It is almost impossible (and thus far has been perfectly so) to either ford, ferry or bridge this stream. It, therefore, separates both in identity of interests, and in fact, the portions of Nebraska lying upon opposite sides of it.

"Your memorialists most earnestly solicit, then, that their representations to your honorable bodies, though they may be ever so imperfectly set forth, may meet with due and favorable consideration.

"Lastly, your memorialists represent that this addition to Kansas of south Platte Nebraska, will effectually prevent the establishment of slavery in either of the territories, and that it will guarantee to freedom the territory of Kansas, whose fate in regard to this great question is still undecided and doubtful; our interests are advanced, and the agitation and strife now rife throughout the Union upon the momentous query, 'Shall Kansas be free?' is forever answered by an irrevocable affirmative."[1]

Though consideration of this movement was postponed by a vote of 20 to 5, yet the strength which it subsequently acquired shows that it was more than an audacious personal device of Morton's to alarm and harass the hated North Platte. But the project slumbered till the beginning of 1858, when it was awakened and started with a real vigor by the shock and suggestion of the Florence legislative dismemberment. The *News* now pressed on the movement with vigor, and the *Advertiser* soon became an industrious second. It was charged that all the federal appropriations had gone, and would continue to go for improvements north of the Platte, and an ardent annexation correspondent of the *News* aptly "dropped into poetry" to enforce his plausible argument for division:

"Lands intersected by a narrow frith abhor each other—
Mountains interposed make enemies of nations
That had else like kindred drops been mingled into one."[2]

The *News*[3] itself begins a vigorous editorial bombardment against the hateful tie that binds it to the north country:

"As an ultimate result of the adjournment of the twenty-nine members of the Nebraska legislature, we see other than a doubtful triumph of an arrogant majority or the temporary success of a faction breeding minority. We see in it the cheering sign that Nebraska is to be politically dismembered; we see in it another and overwhelming argument, as we think, in favor of the speedy, peaceful, separation of South Platte Nebraska from North Platte. . . .

"Our purpose is to deduce from the fact that another session of the legislature has been frittered away, another and important argument in favor of a quiet, peaceable separation of South Platte Nebraska from North

he had completed his junior year, when he entered the senior class of Harvard university and was graduated in 1846. He devoted some years to teaching, and in 1848 was chosen president of the Georgetown (Illinois) seminary. He held this office until the close of the school year in 1853, when he was elected to the chair of mathematics in Fayette (Missouri) college. It was while holding this position that he was appointed to survey the boundary line between Kansas and Nebraska, having previously made a study of surveying. He fitted out his first expedition in St. Louis, and arrived at Leavenworth, Kansas, the last of September, 1854, and began work on the 17th of November, following. Mr. Johnson ran the base line west to the 6th meridian, and returned to the Iowa mission, where he arrived December 10. Here he became acquainted with Rev. S. M. Irwin and General Bayliss and with them selected a site, and laid out the town of Highland, Kansas. When the Kansas lands were opened for entry, Mr. Johnson bought 200,000 acres, a part of the money paid being advanced by friends in the East. He then started a bank in the town of Highland, in 1857, which he continued to operate up to the time of his death. Mr. Johnson was an ardent republican, and was a member of the constitutional convention of Kansas, and for fifteen years a member of the Kansas legislature, serving in both houses. He was, in his youth, a member of the Methodist Episcopal church, but in later years became a Presbyterian. He was three times married. His first wife was Miss Sarah A. Norton of London, Ohio, whom he married March 23, 1847. She died April 2, 1854. On July 14, 1856, Mr. Johnson married Sarah Canady of Georgetown, Illinois. She died March 12, 1887. He was again married July 10, 1888, to Mrs. Virginia Mason Hatt, a native of St. Louis, Missouri, who survives him and resides at Highland, Kansas. Mrs. Johnson is the daughter of T. R. McCormick, who was a prominent lawyer of St. Louis. He was a native of Virginia, and at the time of his death was practicing law at Knoxville, Tennessee. Her mother was, in maidenhood, Miss Sophia Mason, a native of Livingston, Alabama. Mrs. Johnson has five living children by her first husband, namely: Elizabeth, married Clarence A. Carruth, Buffalo, New York; Valeria married to H. F. Bruce, Memphis, Tennessee; Thomas G. Hatt, a banker and stockman of Highland, Kansas, who married Melita Elling of Virginia City, Montana; and Sophia C. Hatt, who resides with her mother.

[1] House Journal, 2d Ter. Sess., p. 120.

[2] The Nebraska *News*, January 9, 1858.

[3] January 16, 1858.

Platte. Gentlemen may cry peace, peace, but there is no peace so long as we remain in the same political organization with North Platte. Is not three years experience enough to teach every thinking, sensible man south of the Platte that fact? To leave them is the only remedy we can see. Some may say, let us stay and fight it out. But what has been the result? What do we gain by 'fighting it out?' The able communication of our correspondent last week showed what has been the result of three years 'fighting it out.' We are as willing to 'fight it out' as any one when there is anything to be made by it for South Platte; but we submit that the tale of the Kilkenny cat battle does not convey philosophy particularly cheering or encouraging."[1]

A bill to create a new county—Strickland—out of parts of Otoe and Cass helped to precipitate the trouble, and the day after Morton's motion to reject it was defeated—9 to 25, only two North Platte members sustaining the motion[2]—he for the second time introduced an annexation memorial.[3] It is characteristic of Morton that in spite of this plain provocation of the threatened dismemberment of his county he remained in Omaha with the Douglas members when the Florence secession occurred two days later. The *Advertiser*[4] at first strongly opposed annexation, insisting that nothing whatever would be gained by it, but on the contrary there was everything to lose, and it denounced those "who would tie us to Kansas in order to settle without doubt the slavery question." In the opinion of this journal not a hundred voters in the South Platte country favored annexation. By the 2d of December, however, the *Advertiser* has become a positive annexationist:

"For two years past—in fact nearly ever since the organization of Nebraska and Kansas—there has been considerable said in Congress and out of it as to the practical operations and beneficial results most likely to arise by annexing 'South Platte' Nebraska to Kansas. . . . We have opposed such a proposition for the single reason that we would thus become mixed up in the 'Kansas difficulties.' These difficulties being now removed, or settled, we are forced to admit that there are many and weighty reasons in favor of the movement. . . .

"In the first place, the Platte river is a natural boundary line; has been, is, and always will be, an almost insuperable barrier dividing the two sections of Nebraska, known as 'North Platte,' and 'South Platte.' Full one half the season it is utterly impassable. It cannot be bridged except at enormous expense; and should this be done, owing to the treacherous embankments and bed of the river, nine chances to one, the first freshet after its completion would sweep it away.

"Again, there has grown up a bitter sectional or local feeling between those two portions of the country, entering into almost every question that may be agitated; which always has and always will prevent harmonious effort and retard the progress and development of the territory. In short, there are no interests in common at stake.

"And still again, while we remain as we are, we cannot reasonably expect to be admitted into the great sisterhood of states short of ten years to come. We have not the population to gain admittance. We have not the financial ability to sustain ourselves as an independent state government.

"In the second place, the line as it now exists between Kansas and Nebraska is really only imaginary—on paper—in passing from one to the other it cannot be found; not even a stone or stake denotes the separating line, except perhaps some private mark of the surveyor known only to himself. The natural interests of the two sections spoken of are one and the same; nature has so arranged, and it cannot be otherwise.

"By annexation we assist to swell a population sufficiently large to gain immediate admission into the Union, and thus take our place in the rank as a sovereign state, with a voice, votes, and influence in our National Council. We become identified with a portion of the country possessing a world wide notoriety. And however much we may deplore the manner of obtaining, and the cost of that notoriety, yet must admit Kansas has an advertisement unprecedented; attention has been drawn to her from, we might say, almost every portion of the known world."

The *Advertiser* is now able to find in Nemaha, Johnson, and Clay counties a very general opinion in favor of annexation; but Samuel G. Daily, who begins to assume a position of leadership in the Republican party in the territory, opposes annexation:

[1] The Nebraska City *News*, January 16, 1858.
[2] House Journal, 4th Ter. Sess., p. 138.
[3] House Journal, 4th Ter. Sess., p. 146.
[4] March 18, 1858.

"If the object was to divide Nebraska and Kansas and take all between the Platte and Kansas rivers, and make a new territory, I would have no objections. But to annex all south of the Platte to Kansas I have many objections. . . . As we now stand in Nebraska, south of the Platte has the majority, and has the controlling power in this territory. According to the apportionment passed at the last session, we have one majority in the House, and in another year will have more. We can control legislation to our own benefit, and have a due share of all public improvements. But if annexed to Kansas it will throw us away off in the northeast corner of the territory, without number or power to ever control legislation for the benefit of this portion of the state or territory, and all the improvements will be taken south of us, nearer the center, and we will be outsiders—mere hangers-on—only useful to them to help pay their enormous public debt, and without strength to help ourselves in any way.

"And again, all the good lands within one hundred miles of the Missouri river, in Kansas, are already claimed or preempted, while we have much fine land unclaimed, within ten miles of the river. The consequence will be that with their twenty million acre grants, and numerous railroad grants, that will almost certainly be given, they will literally sweep all our good lands near the river and hold them above Congress prices, and so they can neither be claimed or entered by actual settlers, thus virtually stopping all improvements for years.

"And still again, I am opposed to it because it is a Lecompton-English-Bill-Administration measure, intended to give a chance to get out of, or rather to sustain, the position taken, that no more free states shall be admitted into the Union unless she has the 93,000 in population."

On the 1st of January, 1859, a mass meeting was held at Nebraska City for the furtherance of annexation, and a numerous committee, of which Charles F. Holly was chairman, reported a resolution which declared that "the people residing south of the Platte river in Nebraska territory are nearly unanimously in favor of the incorporation of the proposed part of said territory within the boundaries of the proposed state of Kansas, and its speedy admission into the Union; that the entire press south of the Platte (with one weak solitary exception[1]) have proven themselves correct exponents of the sentiments of the people, and we commend them as faithful sentinels on the watch-tower of the public weal! Congress should immediately exercise the power reserved in the organic act of carrying out the wishes of the people residing south of the Platte by providing for a change of the boundary line between the two territories, as prayed for by this convention; that the Platte river is a natural and almost impassable boundary while the country south in Kansas and Nebraska, now divided by an imaginary line, is perfectly similar in climate, soil and productions, and the interests of the people are as identical as the country is naturally indivisible."

These rhetorical pyrotechnics were the mere firecrackers of the resolutions; the sky-rocket was put off later:

"Resolved, That Kansas, boundcd on the North by the Platte river, extending west to the 100th degree of longitude, or so as to include a suitable amount of territory, would soon become one of the most important states in the great west. With a mild and genial and healthy climate, and exuberantly fertile soil, valuable rock and minerals, sylvan groves and sparkling streams, situated on the great national highway between Europe and Asia, and if her enterprising population were protected by the aegis of a constitutional government of their own choice, her march to greatness and power would be steadily, but speedily onward and upward."[2]

On the 5th of January the delegate convention was held at Brownville at which Clay, Gage, Johnson, Nemaha, Otoe, and Richardson—all the South Platte counties except Cass, Saline, and Lancaster—were represented. T. M. Marquett, we are told, though present, declined to act as a delegate because he had not been commissioned by the people of his county. For a man who is to run for Congress this very year and on a specific profession of sympathy for South Platte interests, the question whether the voters of his section are for or against annexation must settle the question whether the principle of annexation is sound or unsound; and so Daily becomes a

[1] The *Press*, Nebraska City.

[2] The *Advertiser*, January 6, 1859.

member of the committee on resolutions which are to come out strong for the dismemberment scheme, though his organ, the *Advertiser,* afterward defended him against the charge that he was an annexationist, by insisting that he spoke against annexation in the convention. Marquett, who was waiting to take his turn as candidate for delegate to Congress when the inevitable reaction against this temporary pro-annexation sentiment should be spent, but might be remembered injuriously in the North Platte, twice declined the invitation of the convention to take part in its proceedings. Stephen F. Nuckolls, of Otoe county, was president of the convention, and the still familiar names of Elmer S. Dundy, Robert W. Furnas, and Jefferson B. Weston—the last even then from Gage county—were on the list of those who were to prepare an address "to the people of Kansas and South Platte."[1]

The memorial presented to Congress epitomized the resolutions passed at the convention. There was dissent—though apparently weak—from this action, and "a few persons from four counties met at a private residence in Nebraska City," and adopted adverse resolutions.[2]

In the meantime—December 23, 1858—Mr. Parrott of Kansas introduced a bill into the house of representatives making the Platte river the northern boundary of that territory, but it was never reported from the committee on territories.[3] A considerable number of Kansas newspapers, among them the Leavenworth *Herald* and the Topeka *Tribune,* favored annexation.[4]

On the 2d of May a mass convention was held at Nebraska City and adopted more resolutions which recited, among many other things, that "the pestiferous Platte should be the northern boundary of a great agricultural and commercial state;" that "we, the citizens of Nebraska, are invited to participate in the formation of the constitution" to be adopted by the Wyandotte convention which was to meet on the 5th of July; "that it is the inalienable right of every people in the formation of a state government preparatory to admission into the Union to define the boundaries of said state." The meeting decided that an election should be held in the several South Platte counties on the 7th of June to choose delegates to the Kansas convention, the basis of representation being "the same as it was for the lower house of the Nebraska

[1] The convention unanimously adopted the following resolutions which were reported by the committee:

"Whereas, The proposition to incorporate South Platte Nebraska within the proposed state of Kansas, when admitted into the Union, has been thoroughly canvassed by the people of Nebraska residing south of the Platte river, and

"Whereas, The said people have sent their delegates to a South Platte convention this day assembled at Brownville, to declare and embody their views and wishes, in the premises, and

"Whereas, It is thus made apparent that the people south of the Platte are in favor of the incorporation of the territory south of said river with that of Kansas, and its speedy admission as an independent state of the Union,

"Therefore, In pursuance of the authority vested in us by our respective constituents, and in order to make known their wishes and will, we, the delegates in general convention assembled, do hereby resolve:

"1st, That the congress of the United States be memorialized to pass an act at its present session to enable that part of Nebraska south of the Platte river to join with the people of Kansas in forming a state constitution, and being admitted into the union as soon as may be.

"Resolved, 2d, That in order to give entire satisfaction, and meet the views of all, a provision should be incorporated, providing for taking a vote of the people of Kansas and South Platte Nebraska, before the taking effect of said annexation act.

"Resolved, 3d, That a memorial be prepared embodying the wishes of this convention, to be signed by its officers and all its members, and that copies of the same be sent to Washington to be laid before congress and the president of the United States.

"Resolved, 4th, That a delegation of three be elected by this convention, and sent to Washington immediately, with a copy of its memorial, and instructed to represent the wishes and will of the people of South Platte, in urging upon congress the exercise of the reserve power in the organic act to change the boundary between the two territories, so that South Platte can become an integral part of the state of Kansas.

"Resolved, 5th, That a committee of thirty-two be appointed by the convention to prepare an address to the people of South Platte Nebraska and Kansas.

"Resolved, 6th, That a committee of one from each county be selected to circulate for signatures petitions to each House of congress, urging the passage of an act at its present session, as memorialized by this convention."—[The Nebraska *Advertiser,* January 6, 1859.]

[2] The Nebraska *Advertiser,* January 13, 1859.

[3] *Cong. Globe,* pt. 1, 2d Sess., 35th Cong., p. 201.

[4] Nebraska *Advertiser,* January 13, 1859.

legislature." This meeting appointed a central committee for each county to organize the election machinery in the precincts, composed as follows: Cass county, William H. Spratlin, Samuel M. Kirkpatrick, Alfred H. Townsend; Gage county, Jefferson B. Weston, Dr. Herman M. Reynolds,[1] Capt. Albert Towle; Johnson county, Charles A. Goshen,[2] William P. Walker,[3] William R. Spears; Nemaha county, Robert W. Furnas, Seymour Belden, Dr. Jerome Hoover; Otoe county, Allen A. Bradford, William E. Pardee, William L. Boydston;[4] Pawnee county, Christian Bobst, H. G. Lore,[5] Pleasant M. Rogers;[6] Richardson county, William P. Loan,[7] Elmer S. Dundy, Abel D. Kirk.

The *Advertiser*[8] relates that, though the elections in Nemaha county "were poorly attended as we had every reason to expect," yet "the expression in favor of annexation was seven to one, which we think really about the feeling in the county on the subject." The *News*[9] says that every county south of the Platte river had elected delegates. In Otoe county there was a light vote because the opposition "played the Black Republican game of Kansas and refused to vote," yet, while 1,078 ballots were cast at the previous election on a full vote, 900 electors had signed an annexation petition.

We may assume that the sentiment of Otoe and Nemaha counties touching this weighty matter was representative of that of the whole South Platte district. Its remarkable strength and approximate unanimity should be attributed to three nearly distinct sources: The bitter sectional feud, the physical impediment of the Platte river, and the prospect of much earlier admission to statehood by annexation to an already important territory than by continual unnatural connection with the insignificant North Platte country. And then the still lingering sense of the uncertainty of the future of the little-tried plains country, stimulated, too, by the ever-present sense of isolation, had evidently and naturally produced a feeling of dependence. The prospect of the exchange of a physically unnatural, sentimen-

[1] Herman Myer Reynolds, M.D., pioneer of Beatrice, Nebraska, was born in Sullivan county, New York, April 15, 1832, and died April 26, 1875, in Beatrice, Nebraska. He was a son of Andrew and Katherine (Van Benscoten) Reynolds, the former a native of New York, of English parentage, and the latter of German descent. H. M. Reynolds received his education in an academy at Liberty, New York, completing the preparatory course. He taught school for a time, then began the study of medicine in Pittsfield, Massachusetts, and later attended medical colleges in New York city and Albany, graduating from the latter place May 31, 1853. He practiced medicine first in Barryville, New York, then removed to Scranton, Pennsylvania, where he remained two years. In 1857 he moved to Nebraska and preempted a half section of land near Beatrice. He helped to organize Gage county and locate the town of Beatrice. He was one of the first county commissioners in 1857, and was also county judge and superintendent of public instruction in 1868 and 1869. He first engaged in the practice of medicine, but later established himself in the mercantile business, having as partners a Mr. Saunders and later Oliver Townsend. In politics Dr. Reynolds was a republican, and was a member of the assembly, and in 1874 was a member of the constitutional convention. He was the first mayor of Beatrice when it was incorporated as a town. He was a member of the Christian church, and of the masonic lodge. Dr. Reynolds was married October 20, 1861, to Naomi Barcus, and seven children were born to them, five of whom are living: Mrs. Elsie Loeber, Mrs. Mollie Randall, Mrs. Ruth Farlow, Miss Josephine R. Reynolds, and Mrs. Hermina Sackett, all residing in Beatrice, where Mrs. Reynolds still lives.

[2] Charles A. Goshen located in Johnson county in 1856 and was elected the first register of the county soon after arrival, and also served as county clerk in 1856, '57, and '58.

[3] William P. Walker settled in Johnson county in 1856, and was elected a member of the first board of county commissioners the same year. He was elected to a second term in 1859, but resigned. He was commissioned the first notary public in the county by Governor Izard, April 20, 1857. He was appointed postmaster at Tecumseh in May, 1857, and was secretary of the Tecumseh Town Site company early in 1859.

[4] William L. Boydston was born at Morris, Pennsylvania, July 26, 1825, and removed from Paris, Illinois, to Nebraska City in April, 1856. He was a lawyer and a partner of John H. Croxton. He was a prominent Odd Fellow. He died June 2, 1875. His wife, Cornelia B. Boydston, died in 1873.

[5] H. G. Lore was a native of Ohio. In 1849 he removed to Missouri, where he farmed until 1853, then went to Illinois. In 1856 he settled on a farm in Pawnee county, where he was at once elected county judge, serving from 1856 to 1866, inclusive. In 1851 he married Cerelda Kirby, a native of Andrew county, Missouri. They raised a family of three sons and one daughter: John, William, Albert, and Amanda.

[6] Rev. Pleasant M. Rogers, a local Methodist preacher, settled in Pawnee county, on Turkey creek, in 1856. He erected a sawmill just west of Pawnee City. He was elected county commissioner of Pawnee county and served from 1860 to 1863.

[7] William P. Loan was a lawyer practicing at Archer, Richardson county, in 1857.

[8] June 9, 1859.

[9] June 11, 1859.

tally hateful, and therefore weakening union, for a union to whose completeness there was no obstacle, physical or sentimental, and which promised immediate strength and importance in a political, and also in a wider sociological sense, might well have been alluring. This remarkable annexation movement may be really understood only from this psychological viewpoint.

The Wyandotte constitutional convention was organized by the election of James M. Winchell as president and John A. Martin, a prominent figure in our contemporary Kansas, as secretary. Winchell was elected by a vote of 32, to 13 for his democratic opponent, J. T. Barton. This fact suggests a reason why the convention wished, and was able to reject the proposition for the annexation of the democratic South Platte. On the 12th of July "Messrs. Nichols, Reeves, Furnas, Hewett, Keeling,[1] Chambers, Taylor, Niles, Croxton, Bennet, Dawson,[2] and Doane,[3] the Nebraska delegates, are given seats as honorary delegates with the privilege of discussing the northern boundary question.[4] On the 15th the Nebraska delegates were heard. On the 16th it was voted by 25 to 13 that the northern boundary remain unchanged."[5] Of the Nebraska delegates named, Samuel A. Chambers, Robert W. Furnas, Obadiah B. Hewett,[6] and William W. Keeling were from Nemaha county, and William H. Taylor, John H. Croxton, Jacob Dawson, and Mills S. Reeves from Otoe county. On the morning of July

[1] William Wesley Keeling, physician and surgeon, of Nemaha City, was born in Shelby county, Indiana, October 10, 1831, son of John and Rebecca (Farrall) Keeling, the former a farmer and minister, born in Washington county, Kentucky, in 1810, and the latter born on Blennerhassett Island, Virginia, in 1808. Dr. W. W. Keeling received the rudiments of an education in the log school houses of his day in Indiana. In medicine he was graduated from the Eclectic Medical Institute at Cincinnati, Ohio, 1864. He came to Nebraska in July, 1857, and located at Nemaha City, where he set himself at acquiring a practice. He practiced in Nemaha county from 1857 to 1863, and in Indiana from 1863 to 1891, when he again returned to Nemaha county, where he has since been engaged in the practice of his profession. He has always been a democrat, but has voted some with prohibitionists, and was a member of the Nebraska territorial legislature in 1858 and 1859. He has also served as mayor of Nemaha City. He is a member of the Methodist Episcopal church, of the Knights of Pythias, and a master Mason. In 1858 he was married to Mary R. Speirs, and has reared a family of five children: John R., grocer, Shelbyville, Indiana; Charles M., physician, Springfield, South Dakota; William F., in his father's store in Nemaha; James E., physician, Waldron, Shelby county, Indiana; and Marian Rebecca, wife of Edward L. Culver, in the agricultural implement business in South Omaha.

[2] Jacob Dawson was a resident of Fremont, Iowa, before coming to Nebraska. In March, 1852, he sold to Orson Hyde, the Mormon apostle, the Frontier *Guardian* and the Iowa *Sentinel*, of which he was then the publisher, the consideration being $2,000. After coming to Nebraska, he settled at Wyoming, Otoe county, and in 1856 began the publication of the Wyoming *Telescope*, which was continued for two years, S. N. Jackson being associated with him in this venture for a few months in 1859. While at Wyoming, Mr. Dawson also practiced law and engaged as a land agent and in surveying. Failing to boom Wyoming into anything like a city, he removed to the present site of Lincoln in the summer of 1863, where he built a log house near the present east end of the O street viaduct, probably about 9th and O streets. With the location of the capital at Lincoln, eighty acres of his original claim was donated for capital purposes, but he was reimbursed by another eighty deeded to him by Edward Warnes. Mr. Dawson was elected county clerk of Lancaster county in 1865 and superintendent of public instruction in 1866 and 1867. He was the first postmaster of the Lancaster postoffice, appointed September 15, 1864, and served until the name of the office was changed to Lincoln, February 25, 1868.

[3] The "Nichols" here referred to is doubtless Stephen F. Nuckolls, who had been president of the Brownville convention, while there is little doubt but what the "Niles" here named was none other than the ubiquitous Col. George H. Nixon who had taken a prominent part in the whole affair. It is not, however, so easy to place Mr. "Doane," there appearing to be no one of a similar name prominent at that time in the South Platte country, or taking part in this movement.

[4] For interesting particulars see Proceedings and Debates of the convention, and also the Lawrence *Republican* of July 14, 1859.

[5] Annals of Kansas, p. 208.

[6] Obadiah Brown Hewett, son of John and Esther Wood (Brown) Hewett, was born near Hope, Maine, September 18, 1828. His grandfather, William Hewett, was born in England, came to this country about 1777 as a soldier under command of General Burgoyne, and one year later deserted and joined the American army. He was in General Lee's command, and engaged in the battle of Monmouth; was a witness to the noted controversy between Generals Lee and Washington, and was for some time a sergeant in the bodyguard of Washington. He married a Miss King in Massachusetts, and at the close of the war settled in the town of Hope, Maine, where John Hewett was born and lived until his death in 1869. Esther Wood (Brown) Hewett was a native of Connecticut and removed to Maine in early girlhood; here she married John Hewett and bore him eleven children. O. B. Hewett spent his boyhood on the farm and in learning the carpenter and joiner's trade. After reaching his majority, he divided his time between his trade and school teaching. He entered Maine Wesleyan seminary, but after one year's study entered Bowdoin college, graduating in 1855. He went to Chicago, and was employed for two years as a teacher. During these years he had been reading law, and was

11 "the credentials of the delegation to this body from the territory of Nebraska" were referred to the committee on credentials, and the next day Mr. Thatcher presented a memorial from "the delegation to this convention elected by the people of that portion of Nebraska lying south of the Platte river," and moved that it be referred to the committee on preambles and bill of rights; but on motion of Mr. Forman it was referred to a special committee of thirteen which was appointed the next day. On the 12th the Nebraska delegates were admitted to the floor of the convention, but were not permitted to vote. On the 15th Mr. Reeves and Mr. Taylor, "the gentlemen representing southern Nebraska upon the floor," delivered addresses which occupy thirteen pages of the report of the proceedings. Tried by their home reputation and achievement, Nebraska's oral representatives in the convention must have been quite moderate. Taylor had been dubbed "The Oratorical" in the legislature of 1858, and the voice of Reeves was all but as ubiquitous. The Wyandotte correspondent of the Lawrence *Republican* writes as follows: "Four delegates are here from Nebraska urging the Platte river as our northern boundary. They will receive the courtesy of a seat on the floor to discuss the boundary question. I do not think the boundaries, north or south, will be altered."

On the 22d of July Mr. McDowell offered the following resolution:

"Resolved, That congress be memorialized to include within the limits of the state of Kansas that portion of southern Nebraska lying between the northern boundary of the territory of Kansas and the Platte river."

After a debate covering pages 270 to 287 of the report, the resolution was rejected by the decisive vote of 19 to 29.

The *News* was furious at the rebuff, and in letting out its feelings it lets in some light on the motives of the Kansans. After stating that, "a vast majority of citizens residing south of the Platte had been vigilant and extremely active" in the project for state government, "so much so that strong overtures were made to our neighboring sister of Kansas for annexation to her soil and thus secure more speedy admission into the sisterhood of states"; and that "the movement was strenuously opposed by our brethren north of the Platte, mainly, as we suppose, because it would tend to retard the march of Nebraska to state organization," this leading organ of South Platte sentiment breaks into the core of its subject:

"By sheer infatuation, or most likely by corruption or its equivalent, political scoundrelism, the Kansas Constitutional Convention, largely Black Republican, has refused to extend the boundaries of Kansas to the Platte river, has refused to memorialize congress on the subject, has refused to refer the proposition to congress, and has virtually said to this great South Platte country, we don't want your valuable salt springs, your inexhaustible coal beds, your one hundred and fifty miles of river boundary, your thousands of acres of rich and fertile soil, interspersed with pleasant groves and valleys and rich bottom lands—your rich prairies we don't want, your great geographical and central advantages we won't have. The curious may wish to know why this rich boon was refused by the Black Republican Constitutional Convention of Kansas. It was for this reason: Its acquisition, it was believed by those worthies, would operate against their party. They said South Platte Nebraska was democratic, and that being added to northern Kansas, which is largely democratic, would make Kansas a democratic state, would deprive the Black Republican party of two United States senators, a congressman and other officers. They were dragooned into this position, too, by the republican party outside of Kansas. Kansas, they

admitted to the bar in the spring of 1857 by the supreme court of Illinois. In the summer of the latter year he started westward, joining a company on the way, and accompanied them to the present site of Beatrice, Gage county. Here they located and laid out the town, but the financial crisis of that and the following year scattered the company. Mr. Hewett was appointed the first county judge of Gage county in 1857, but in the spring of the next year he removed to Brownville. He spent a few months of 1859 prospecting for gold in Colorado. In October, 1862, he joined the 2d Nebraska cavalry and served four months as a private in company F; was then elected captain of company M, which he commanded until it was mustered out in December, 1863. He was secretary of the last territorial council in 1867, and secretary of the senate in the 2d state legislature. He also served as superintendent of public instruction for Nemaha county during 1868 and 1869, and was the third

are determined at all hazards, shall be an abolition state."[1]

But outside appreciation of the indispensable value of the gift the Kansans had so lightly regarded was not wanting, for, in opposing admission under the Wyandotte constitution, Senator Green of Missouri insisted that not over two-sevenths of the area of Kansas could be cultivated, though the western line had been moved eastward to the 25th meridian, its present western boundary. He urged that thirty thousand square miles should be taken from southern Nebraska and annexed to the proposed state. "Without this addition . . . Kansas must be weak, puerile, sickly, in debt, and at no time capable of sustaining herself!"[2] A sample prophecy! In this year of grace (1904) "bleeding Kansas" is, figuratively at least, bleeding in all her borders with agricultural riches.

COL. LORIN MILLER[5]
PIONEER OF OMAHA, NEBRASKA

While the overwhelming defeat of the Lecompton constitution at the popular election of August 2, 1858, might well have reassured the anti-slavery party of Kansas that final success was within their reach, and determined them to avoid entangling alliances, yet the Lawrence legislature, which was controlled by free state members, a few months earlier had adopted a joint resolution and memorial to Congress the preamble of which recites that the Platte river is the natural boundary of Kansas and ought to have been adopted at the time of the organization of the territory, and that "it is well ascertained from reliable information that such change of boundary would meet with the cordial approval of a large majority of the inhabitants resident upon that portion of Nebraska in question." The resolution was referred to the committee on territories of the lower house of Congress.[3] On the other hand a similar resolution was introduced in the Kansas legislature, January 27, 1858;[4] but though the free state element predominated there the measure was not pushed to adoption. The success of the Republican party in the national election of 1860, which assured the admission of Kansas under the Wyandotte, or some other free state constitution, ended the annexation scheme. It seems fair to conclude that the direct cause of its failure was the refusal of the

mayor of Brownville. In 1868 Judge Hewett was elected district attorney for the first judicial district of Nebraska, and reelected in 1870. He was very active in educational matters; was president of the first meeting of the Nebraska State Teachers' association; was a member of the first board of education of the State Normal school at Peru, Nebraska, and was especially active in the establishment of Hastings (Nebraska) college, of which his son was the first graduate. He was engaged in the practice of law at Brownville until 1876, when he removed to a farm near Auburn, where he resided for four years. He then practiced law at Hastings, Nebraska, until the spring of 1892, when he settled at Riverside, California, where he practiced for one year and then moved to a fruit ranch at Chino. He was married in October, 1857, to Miss Mary W. Turner, a native of Pennsylvania, who had accompanied the family of Cyrus W. Wheeler to Brownville in 1856, where she became the first milliner. She died at Hastings, Nebraska, March 22, 1897. Three children of this marriage are living: James H. H. Hewett, Alliance, Nebraska; Mrs. Kate L. Davis, and C. Will Hewett of Little Rock, Arkansas. Mr. Hewett was again married at Riverside, California, in 1893 to Mrs. May Nance, who survived her husband but a short time. Judge Hewett died at Chino, California, November 10, 1898.

[1] The Nebraska City *News*, August 6, 1859.

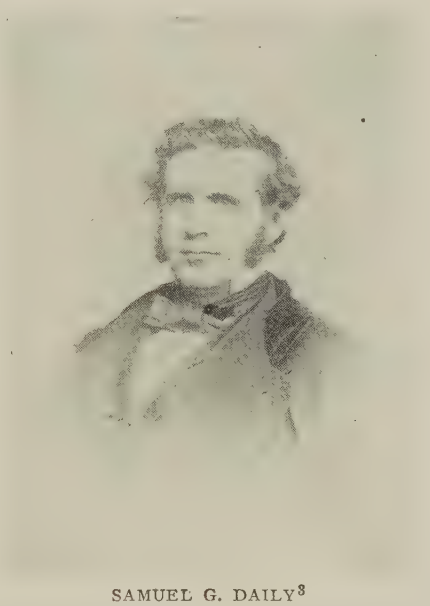
[2] Spring's History of Kansas, p. 265.

[3] Laws of Kansas, 1859, p. 651.

[4] Annals of Kansas, p. 161.

[5] Col. Lorin Miller was born in Westmoreland, Oneida county, New York, in the year 1800 and died in Omaha, Nebraska, July 31, 1888. In early life he followed surveying and civil engineering in

Wyandotte convention to follow the legislature of 1859 in its approval. And, in view of the discouraging failure of repeated attempts of the territory of Kansas to cross the Jordan which separated it from statehood, it seems probable that the refusal was due as much to fear of further complicating the passage as to the specific motive which the *News* assigned. Though the leaders of the Nebraska movement were ready to abandon it when they felt the Wyandotte rebuff, yet, for some months after, the scheme was pressed from the Kansas side. In the early part of 1860 a number of leading democratic politicians from Kansas were in Washington in the interest of admission, and they proposed to extend the western boundary from the 25th meridian back to the Rocky mountains, and the northern line to the Platte river.[1] "Marcus J. Parrott, Gen. Samuel C. Pomeroy, Judge W. F. M. Arny, and other republicans from Kansas, who are in Washington, insist on the admission of Kansas under the Wyandotte constitution, without any alteration, that constitution being already ratified by two-thirds of the citizens of the territory."[2] All this points to the dual motives for opposition to the annexation project and the causes of its defeat. But sectional, or South Kaw opposition was not wanting. The following letter written by the son and secretary of Governor Medary to annexation promoters at Nebraska City indicates that southern Kansas opposed annexation for reasons of its own:



SAMUEL G. DAILY[3]
FIFTH DELEGATE TO CONGRESS FROM NEBRASKA TERRITORY

"LECOMPTON, K. T.,
"May 16, 1859.

"GENTLEMEN:—Gov. Medary is at present out of the territory, in consequence of which I take the liberty of replying partially to your communication of May 10th. I have consulted one or two gentlemen known to be favorable to the measure now being agitated in your section of Nebraska, and have concluded to give you the result. The measure was brought before the last legislature of this territory, and a memorial passed b th houses and was transmitted to congress, as also to the governor of your territory, requesting that the southern portion of Nebraska, viz., that lying south of the Platte river, be attached to the territory of Kansas. The only opposition met with was from members living south of the counties bordering on the Kaw river, and they are still opposed from local reasons.

"I would suggest that you proceed to elect your delegates to the convention quietly, as it would only create an unnecessary issue in southern Kansas at the time were it freely talked of. I speak only for myself. Gov. Medary when he arrives will reply to your letter as he may see proper. He will be in

New York, Wisconsin, and other states. He arrived in Omaha City, October 19, 1854; here he took active part in the development of the new territory. He surveyed Jeffrey's addition and also the addition known as Scriptown, which included a tract extending from Cuming to Fort streets, now known as North Omaha. In this addition he purchased a block on 23d and Charles streets, which he owned for several years. He surveyed many of the early town sites of Nebraska, and is credited with doing his work well. In 1866 and '67 he was mayor of Omaha, and as mayor performed the duties of police judge. During his later years he did considerable newspaper work on the Omaha *Herald*, his especial work and particular hobby being the market reports, taking great interest and maintaining a high standard in this department of the *Herald*. Having traveled extensively, he had met nearly all the prominent men in public life, and was well informed regarding their personal characteristics. He was a Jeffersonian democrat, and when General Jackson was elected president, Colonel Miller rode to Washington in a stage coach to congratulate him. When Cleveland was inaugurated in 1882, he again made the pilgrimage to Washington, but this time by rail. Colonel Miller was married in 1830 and was the father of three children: Dr. George L. Miller, Omaha, Nebraska; Mrs. Lysander Richardson, Athol, Massachusetts; and Mrs. G. J. Johnson, Omaha, Nebraska.

[1] Correspondence of New York *Tribune* of January 27, in Omaha *Republican*, February 8, 1860.

[2] Peoples *Press*, February 17, 1860.

[3] Samuel G. Daily was born in Trimble county, Ky., in 1823. His father, Rude Daily, a prosperous farmer, married Mrs. Isaac Tomlinson, whose mai-

Kansas within a week. Members of the convention will be more free to act if they are not compelled to pledge themselves before their election. By this day's mail I send a copy of the constitutional convention act.

"Very respectfully,

"SAM A. MEDARY,

*"Private Secretary.*[1]

"To W. H. Taylor and M. W. Reynolds."

After the annexation spirit had died down in the South Platte, newspapers of the North professed that it was now favored in that section, and the *Nebraskian* as late as October 27, 1860, made these spirited remarks:

DR. HERMAN M. REYNOLDS
PIONEER OF GAGE COUNTY AND FIRST MAYOR OF BEATRICE
For biography see page 401

"The Nebraska City *Press* inquires the reason sentiment has changed north of the Platte river on the subject of annexing Southern Nebraska to Kansas. We gave the reason in a former number of the *Nebraskian.* There is no community of interest between the two sections of the territory; southern Nebraska has too many turbulent agitators, 'rule or ruin' men; the people south of the Platte, if we can believe the papers of that section, all desire to be annexed to Kansas, and we 'second the motion.' As a part of Kansas, you claimed, a year or two since, you'd have a 'hotter climate'—although whether it would then be as hot as you deserve remains an open question."

It was a short cry of the South Platte country from statehood through annexation to independent statehood, and the latter was now urged by the leading journals. The agitation for annexation had created a general sentiment in favor of statehood.[2] A meeting held at Nebraska City on the 6th of August recommended that meetings in the interest of statehood be held in all the counties of the territory, and that for the same purpose the governor should call a special session of the legislature at the earliest practicable time. The reasons assigned for this movement were that the territorial government had failed to give security to life and property, to secure the prompt administration of justice, to enact wholesome legislation, and had not responded with due deference to the will of the people. With statehood would come stability and confidence, resulting in investment of capital, immediate control of school lands, and grants for internal improvements.

den name was Anna Demint. They were the parents of four boys and one girl. Samuel G. Daily was taken by his parents to Jefferson county, Ind., about 1824. Here he received a common school education, which was supplemented by a term at Hanover (Ind.) college. He subsequently studied law under Judge Sullivan of Madison, Ind., was admitted to the bar at Indianapolis, and practiced at Madison about four years. While a resident of Madison he became a candidate of the "Free Soilers" for the legislature, canvassing the county with the candidates of the other parties, all speaking from the same platform as was then the custom. So overwhelming was the pro-slavery sentiment that Mr. Daily only received 130 votes in the county. He afterward removed to Indianapolis and engaged in the cooperage business. In 1857 he migrated to Nebraska and settled in Peru precinct, Nemaha county. He brought with him the machinery for a sawmill which he built on the Missouri river. In 1858, Mr. Daily was elected a member of the territorial legislature from Nemaha county. In 1859 at Bellevue he took part in organizing the Republican party, and was nominated for delegate to Congress, being elected over Experience Estabrook. In 1860 he was renominated against J. Sterling Morton, and seated after a contest. Two years later he was renominated and again elected. In May, 1866, he went to New Orleans as deputy collector of customs. He died there in August of the same year, and was buried at Brownville, Neb. Mr. Daily was married at Madison, Ind., to Darah Maria Talbot, and four children were born to them.

[1] Nebraska *News*, May 28, 1859.

[2] The Nebraska *Advertiser*, August 4, 1860.

# CHAPTER XII

THE TERRITORY UNDER PARTY ORGANIZATION—THE FIRST PARTY CAMPAIGNS—DAILY–ESTABROOK CONTEST—SIXTH LEGISLATURE

THE first territorial Democratic ticket was nominated by the convention held at Plattsmouth, August 18, 1859. Gen. Leavitt L. Bowen of Sarpy county called the convention to order. Mills S. Reeves of Otoe was elected temporary chairman and John W. Pattison, the early journalist of Omaha, but at this time of Dodge county, temporary secretary. Silas A. Strickland of Sarpy was permanent chairman, and Abel D. Kirk of Richardson, Merrill H. Clark[1] of Douglas, and John W. Pattison of Dodge were permanent secretaries. According to the report of the committee on credentials, delegates were present from all of the twenty-four counties represented in the apportionment law of the preceding general assembly.

The newspapers of the day afford us the official report of this convention, but owing to very careless typography names of the members in particular are inaccurately printed.[2]

The following special resolution was offered and adopted:

"Resolved, That to carry out the object set forth in resolution number five of the resolutions adopted by this convention, it is necessary that a special session of the general assembly of Nebraska territory be called for the purpose of authorizing the people to form a constitution preparatory to admission into the union as a state; and we recommend to his excellency, Governor Black, to call a special session of the general assembly for that purpose at such time as to him may seem proper."

[1]Merrill H. Clark is frequently confused with Dr. Munson H. Clark, who was a member of the 1st territorial council and died during the recess between the first and second sessions. Merrill H. Clark first settled in Omaha in the spring of 1859, coming from Shiawassee county, Michigan, where he had published and edited the *Democrat*. Mr. Clark formed a partnership with Theodore H. Robertson, and consolidated the Omaha *Times* and the *Nebraskian* under the name of *Omaha Nebraskian and Omaha Times*. Mr. Clark was identified with this publication for three years and was city printer of Omaha in 1860. He was a member of the first fire company of Omaha organized in 1860, known as Pioneer Hook and Ladder Company No. 1. He was a member of the house in the 7th and 8th territorial assemblies.

[2]As far as possible these names have been corrected in the following account of the convention:

The committee on credentials were George Clayes of Douglas county, Harvey C. Blackman of Otoe, Abel D. Kirk of Richardson, A. H. Partridge of Dixon, and Samuel A. Chambers of Nemaha. The committee on permanent organization were Dr. Thomas J. Boykin of Sarpy county, Dr. Edmund A. Donelan of Cass, Houston Nuckolls of Richardson, Isaac L. Gibbs of Otoe, and Dr. Charles A. Henry of Monroe. This committee reported as follows: For president, Silas A. Strickland of Sarpy county; for vice-presidents, W. R. Spears of Johnson, Samuel A. Chambers of Nemaha, Harvey C. Blackman of Otoe, Robert W. Stafford of Cass, Harrison Johnson of Douglas, G. W. Mason of Burt, John Rickley of Platte; for secretaries, Abel D. Kirk of Richardson, Merrill H. Clark of Douglas, and John W. Pattison of Dodge.

The committee on credentials reported the following delegates in attendance: Richardson county, Houston Nuckolls, Frank L. Goldsberry, Abel D. Kirk; Nemaha, Jesse Cole, Samuel A. Chambers, Richard Brown, James W. Coleman; Otoe, Isaac L. Gibbs, Mills S. Reeves, John B. Bennett, Stephen F. Nuckolls, Solon M. Anderson, Harvey C. Blackman, George H. Hughes, John H. Croxton; Cass, Wheatley Micklewaite, Dr. Edmund A. Donelan, Hiram H. Fowler, Robert W. Stafford, Hiram R. Cranney; Sarpy, Silas A. Strickland, Dr. Thomas J. Boykin, Barnard Myers, H. Nicholson; Douglas, George Clayes, Harrison Johnson, James McArdle, James H. Ford, Joseph H. Millard, Andrew B. Moore, John McConihe, Merrill H. Clark, Dr. A. B. Malcolm; Washington, George E. Scott, John Y. Clopper, Oliver W. Thomas; Burt and Cuming, G. W. Mason, Judson R. Hyde; Lancaster, William T. Donavan; Dakota, George B. Graff, John N. H. Patrick, Michael M. Trecy; Dixon, A. H. Partridge; Cedar and L'eau-qui-court, Gates P. Thruston; Dodge, John W. Pattison; Platte, Green, Calhoun, and Butler, John Rickley, Lorin Miller; Monroe and Hall, Dr. Charles A. Henry; Pawnee, George F. Bobst; Johnson, Clay, and Gage, William R. Spears, Thomas Graham.

The ballot for a candidate for delegate to Congress is interesting to us of the present day as it includes names of men very familiar to the people of the state. The first formal ballot resulted as follows: Dr. George L. Miller, 18; Benjamin P.

EXPERIENCE ESTABROOK

The chief interest of the convention centered in the choice of a candidate for delegate to Congress; and though Dr. Miller had won his home county—Douglas—in a contest with

Rankin, 9; John F. Kinney, 8; William C. Fleming, 3; Fenner Ferguson, 5; Richard Brown, 5; William W. Dennison, 2; Robert W. Furnas, 1; Experience Estabrook, 1. Total, 52.

FORMAL BALLOTS

| | 1st | 2d | 3d | 4th | 5th |
|---|---|---|---|---|---|
| George L. Miller | 22 | 21 | 20 | 20 | 21 |
| Benjamin P. Rankin | 15 | 16 | 17 | 18 | 6 |
| John F. Kinney | 8 | 10 | 12 | 11 | 7 |
| William W. Dennison | 2 | 2 | .... | .... | 26 |
| Experience Estabrook | .... | 2 | .... | 2 | 2 |
| William C. Fleming | 3 | 1 | .... | .... | .... |
| J. Sterling Morton | .... | .... | 1 | .... | .... |
| Samuel W. Black | 2 | .... | .... | .... | .... |

The last four ballots resulted as follows:

| | 6th | 7th | 8th | 9th |
|---|---|---|---|---|
| George L. Miller | 20 | 19 | .... | 10 |
| Benjamin P. Rankin | 17 | 18 | 15 | .... |
| John F. Kinney | 11 | 7 | 8 | 5 |
| Experience Estabrook | 3 | 7 | 24 | 31 |
| Samuel W. Black | 1 | 1 | 1 | 5 |
| Addison R. Gilmore | .... | .... | 2 | .... |
| J. Sterling Morton | .... | .... | 1 | .... |
| George W. Doane | .... | .... | .... | 1 |

General Estabrook, being waited upon by a committee, appeared and addressed the convention as follows:

*"Mr. President and Gentlemen of the Convention:*

"Your committee have waited upon me with the information that you have made me the nominee of this convention. I feel that I would be more than mortal were I able to stand before you under the circumstances by which I find myself surrounded and preserve my self-possession. I acknowledge the honor with a grateful heart; and if I can estimate the value of this honor by the character of those who have conferred it upon me, by the elevated standing of those whose names have been before the convention, and from the list of which mine has been selected, or from the very flattering allusions to myself by the eloquent gentlemen who have addressed the convention, I feel that it is one of which I have a right to be proud.

"As I intend to visit you all in the coming canvass and discuss the various issues presented, I shall not weary you with a speech now. I will congratulate myself, however—and this convention and the democracy should be participants—that the circumstances under which I have been nominated are such as to absolve me from all special obligation to any particular locality. It is proper to say that in a contest which came off in my own county, between myself and a neighbor, Mr. Miller, my competitor was made the choice of Douglas county, and my name having been presented by gentlemen from some other locality, I am proud to acknowledge myself indebted for this honor to the territory at large, rather than to any particular section.

"There may be some hesitation on the part of my friends from Otoe to yield a full and hearty acquiescence in the result of this convention. I have too much confidence in them to believe that this will be carried to their homes or into the canvass. If it is, however, so as to result in diminishing the vote of that county, and if I am, nevertheless, elected I will heap coals of fire upon their heads by meting out to them equal and exact justice in the bestowal of official favor and patronage."

The committee on resolutions, consisting of Reeves of Otoe, Clark of Douglas, Henry of Hall, Donelan of Cass, and Graff of Dakota, reported the following platform, which was unanimously adopted:

"Whereas, The members of this convention have met in pursuance of a call of the executive committee of the democratic party of the territory of Nebraska, and being animated by a desire for the maintenance and ascendency of democratic principles, and devotion to the constitution of the union and laws of our country, and being desirous of presenting a platform of principles, unmistakable as to the position of the democracy of this territory, and upon which all can harmonize, and knowing no distinction between members of the party on account of construction or application of its principles, therefore,

"Resolved, That we affirm our abiding faith and confidence in the principles of the democratic party as promulgated by the founders of the government and as sustained and carried out by those true friends of the union, Jefferson, Madison and Jackson, and as enunciated in the Cincinnati platform of 1856.

"Resolved, That we hold to the absolute sovereignty and inviolable rights of all states of the union in regard to their domestic institutions, and the perfect compatibility of free and slave states to exist harmoniously together under the provisions of the federal constitution.

"Resolved, That we hereby declare it to be the proper construction—the true intent and meaning of the act of congress organizing this territory, and its general application to all territories, that the people thereof have the only and exclusive right, in the organization of a state government, to form and regulate their domestic institutions in their own way, subject only to the constitution of the United States, and that when they have framed their constitution, and the same has received the unqualified ratification of the people who are to be affected thereby, a legal right to admission as a state; and it becomes the duty of congress to admit them as a sovereign state under the same rules and regulations as were the original thirteen states. But inasmuch as the legislative power of the territories extends undeniably to all rightful subjects of legislation, no power can prevent them from passing such laws upon the subject of slavery as to them may seem proper, and whether such laws, when passed, be constitutional or not, can be finally determined, not by congress, but by the supreme court, on appeal from the decisions of the territorial courts.

"Resolved, That non-intervention by congress with the subject of slavery either in states, territories or the district of Columbia, is a distinctive principle of the democratic creed; was the basis of the compromise measures of 1850; confirmed by both democratic and whig parties in national conventions; and ratified by the people in 1852; rightfully applied in the organization of Kansas and Nebraska in 1854; reaffirmed at the national convention in 1856; and again ratified by the people in the

Estabrook, the latter was taken up by the convention and nominated on the ninth ballot.

The first territorial convention which may fairly be called republican met in the school house at Bellevue, at 11 o'clock in the forenoon, August 24, 1859.[1]

Mr. Daily was on motion declared the unanimous nominee of the convention, and in a speech he said that he was not the candidate of any section. Thayer and Bennet promised to support the nominee of the convention. John H. Kellom of Douglas county was nominated for school commissioner, Henry W. De Puy for auditor, James Sweet for treasurer, and Oscar F. Davis[2] for librarian. The only record of the proceedings of this convention which, so far as is known, has been preserved

triumphant election of James Buchanan by the people.

"Resolved, That by virtue of the provisions of the treaty of 1803 for the purchase of Louisiana, and by the provisions of the federal constitution, the inhabitants of this territory have the right to demand admission into the union, as of right, and we are in favor of such admission, as a sovereign state, with such boundaries as the people may prescribe, as soon as possible, and we believe that time has now arrived.

"Resolved, That we are unconditionally opposed to the re-opening of the African slave trade; that its revival would not only renew those cruelties which once provoked the indignation of the civilized world but would entail a foul blot on our country's fair escutcheon.

"Resolved, That we are in favor of extending the same equal rights and protection to all American citizens whether naturalized or native born, and whether at home or abroad.

"Resolved, That we are in favor of an economical administration of the general and local governments; of a liberal school fund, and of a rigid accountability in all disbursements.

"Resolved, That we are in favor of a national railroad to the Pacific, and of liberal grants of lands for railroad and internal improvement purposes.

"Resolved, That the general government should immediately make appropriations to bridge the Platte and other rivers of the territory, and that any appropriations made to the territory should be applied, as near as may be, to all parts of it, or for the benefit of all alike.

"Resolved, That the public lands should no longer be considered a source of federal revenue, but should be disposed of with a view solely to develop the resources of the country, and encourage emigration to the settlement of the new territories, and that we are in favor of granting a homestead of 160 acres of land by congress to actual settlers, subject only to such restrictions as will exclude speculators from the benefits of such acts.

"Resolved, That we are irreconcilably opposed to the incorporation of banks or of banking institutions or to the creation of an unlimited territorial or state debt."

William W. Wyman was nominated for treasurer by a vote of 31 against 21 cast for John Ritchie. Robert C. Jordan was renominated for auditor. Alonzo D. Luce was nominated for librarian, and William E. Harvey for commissioner of public instruction—all without opposition.

A territorial central committee was appointed as follows: Benjamin P. Rankin, chairman; Abel D. Kirk, Richardson county; Robert W. Furnas, Nemaha; Harvey C. Blackman, Otoe; Edmund A. Donelan, Cass; Silas A. Strickland, Sarpy; Theodore H. Robertson, Douglas; Edwin A. Allen, Washington; G. W. Mason, Burt and Cuming; William T. Donavan, Lancaster; Michael M. Tracy, Dakota; A. H. Partridge, Dixon; Gates P. Thruston, Cedar; J. Shaw Gregory, L'eau-qui-court; John W. Pattison, Dodge; John Rickley, Platte; Charles A. Henry, Monroe and Hall; George F. Bobst, Pawnee; William R. Spears, Johnson.

For an account of this convention see Nebraska *Advertiser*, August 25, 1859.

[1] The convention was called to order by John H. Kellom; John Taffe of Dakota county was temporary president, and Edward D. Webster of Douglas county temporary secretary. William D. McCord of Cass county was president of the regular organization; Elmer S. Dundy of Richardson, Elias H. Clark of Washington, Charles T. Holloway of Sarpy, Wilson Reynolds of Dodge, and John P. Grother were vice-presidents; Edward D. Webster of Douglas county, Alexander F. McKinney of Cass, and William F. Goodwill of Burt were the secretaries. The several committees of the convention were as follows: Credentials, Warner, Dundy, Clark, McKinney, Baker; permanent organization, Pease, Collier, Marquett, Wattles, Thompson. Judge Pease and Mr. Collier were appointed to conduct the president to the platform.

The informal ballot for a candidate for a delegate to Congress resulted as follows: Henry W. De Puy, 10; Samuel G. Daily, 11; Hiram P. Bennet, 9; John M. Thayer, 13; Samuel M. Kirkpatrick, 4; John H. Sahler, 2; John R. Meredith, 1.

The regular ballots were as follows:

| | Daily | Thayer | Bennet | De Puy | Taffe |
|---|---|---|---|---|---|
| First | 22 | 17 | 16 | ..... | ..... |
| Second | 22 | 12 | 16 | ..... | ..... |
| Third | 22 | 11 | 9 | ..... | 8 |
| Fourth | 21 | 20 | 8 | 1 | ..... |
| Fifth | 22 | 12 | 12 | 3 | 1 |
| Sixth | 22 | 11 | 13 | 1 | ..... |
| Seventh | 21 | 9 | 19 | 1 | 1 |
| Eighth | 22 | 4 | 2 | ..... | ..... |
| Ninth | 26 | 17 | 3 | 5 | ..... |
| Tenth | 31 | 11 | 4 | 2 | ..... |

For an account of this convention see Wyoming *Telescope*, September 3, 1859.

[2] Oscar F. Davis, pioneer, Omaha, Nebraska, was born in Onondago county, New York, near the village of Baldwinsville, March 3, 1827, and died in Omaha, Nebraska, June 4, 1887. Mr. Davis received his early education in his native village, and on growing to manhood devoted himself to the study of surveying and civil engineering. At the age of twenty-three years he located at Dubuque,

unfortunately omits the list of the names of delegates and the names of the members of the committee on resolutions.[1]

Orsamus H. Irish, who led the "peoples party" delegation from Otoe county, strongly objected to acquiescence in the Philadelphia platform, and the convention was by no means harmonious.

Though manned by the leading republicans of the territory this convention stealthily, if not sagaciously declined to denominate itself as republican, and it christened its nominations the Peoples' territorial ticket. Its declarations of principles were as many-sided as its name was equivocal. It sought comprehensively to embrace all "those citizens of Nebraska who disapprove the policy of the national government during the last six years." Its demand for a homestead law, for a Pacific railroad, and for statehood, and its denunciation of the slave trade paralleled declarations on the like subjects in the democratic platform, while its heroic expression of devotion to popular sovereignty outran that of its rival, until at the end it was emasculated by the saving clause, "subject to the regulations of Congress."

In the principal counties the democrats nominated straight legislative and local tickets, while the opposition was called fusion or independent. The democrats elected their entire territorial ticket by a majority of about 400,[2] and two-thirds of the members of the house of representatives. The council elected the year before being democratic, that party was again completely in the saddle. The canvass of Daily and Estabrook was energetic. Estabrook's advantage in education and legal and political experience was more than set off by Daily's natural ability. In edge and staying

Iowa. That city remained his home for six years while he was engaged in government surveys in the states of Wisconsin, Minnesota, Iowa, and Nebraska. Mr. Davis settled in Omaha, Nebraska, May 26, 1856; was city engineer two terms and was elected a member of the territorial legislature in 1861. During the war of the Rebellion he served as provost marshal of Omaha for two years. In 1867 when the Union Pacific railroad was nearing completion, Mr. Davis was intrusted with the management of the vast grants of land along its line, and was so successful that in 1868 he was appointed land commissioner of the corporation, which position he held for twelve years. In 1878 his health became impaired, and he resigned his position to establish a real estate business in the city of Omaha, in which he continued up to the time of his death. He was a quiet and conservative man, thoroughly loyal to Omaha, and firm in his faith of the city's future. April 22, 1863, he was married to Sarah F. Dickenson of Syracuse, New York.

[1] The platform adopted by the convention follows:

"1st. We claim for our territory that it shall be dedicated now and forever to freedom and free labor.

"2d. That the citizens of the United States emigrating to this territory bring with them their inherent right to legislate for their protection and welfare, subject only, under the constitution, to the regulation of congress. That the people of this territory should be allowed to elect their own officers and regulate their own domestic institutions, and that it is the duty of the territorial legislature in exercise of its power to prohibit slavery in the territory.

"3d. We claim the right of every settler to hold by actual occupancy 160 acres of government land as enacted in the homestead bill introduced by the republicans at the last congress, and defeated by democratic votes.

"4th. We claim the immediate construction of a railroad up the Platte to the Pacific, as advocated by the republicans in the last congress, and defeated by the democracy.

"5th. We claim that appropriations should be made for bridging the Nemaha, Platte, Loup Fork, Niobrarah and other streams in the territory where bridges are required, and that such appropriations when made shall not then be wasted, as other appropriations have been by corrupt officers, but honestly expended for the purposes for which they may be intended.

"6th. We claim that there shall be no invidious distinction between naturalized and native born citizens, that both are entitled to the protection of their government abroad and at home.

"7th. We claim the speedy organization and admission of Nebraska as a state.

"8th. We hold the administration strictly responsible for the open and notorious prosecution of the African slave trade, in violation of our laws and an outrage upon the moral sentiment of the civilized world.

"9th. That in the coming campaign we will judge the democratic party by its acts rather than its professions; professing opposition to a system of credit, it has burdened the treasury with an enormous debt; professing opposition to banks, the national democracy has flooded the nation with treasury notes, and the territorial democracy has burdened and oppressed our people with worthless banks; professing to favor a national railroad to the Pacific, it has expended millions to establish an impracticable southern route, and has not even surveyed the central route in Nebraska; professing to favor emigration to the territory, it defeated in congress the homestead bill, compelled the settler to pay for his land at a time of great commercial depression, and has thrown open vast tracts of the public lands to the grasp of the speculators; professing popular sovereignty, it has refused their own officers, and held the same offices at the disposal of a corrupt administration to reward its adherents for their treachery to the cause of human freedom."

[2] Nebraska *News*, November 5, 1859.

power Daily was something of a diamond, but in the rough, and his forcefulness was not impeded by delicate moral scrupulousness. At the beginning of the canvass—September 10—the *News* said of him: "We are only giving general circulation to a plain, unvarnished truth when we state that Mr. D. ranks among the most illiterate of republicans," and he won the sobriquet of "Skisms" by the reassuring statement in a speech at Nebraska City, just after his nomination, that his party, unlike the Democratic party, was united and free from "skisms" (schisms). The witty Irish editor of Dakota county observed that: "Daily is such a black republican that to call him an abolitionist rather improves his color."[1] By accident or design Daily gained a material advantage over his opponent by his opposition to annexation. When Estabrook began to make capital charges against him in the North Platte by charging that he was a member of the Brownville annexation convention and there favored the scheme, his South Platte organ retorted that on the contrary he had made a very strong speech in the convention against annexation, and that as a delegate from Nemaha county he had voted for it under instructions but also under protest.[2]

In political contests both sides still continued to depend upon illegal votes, and an important feature of every election was a race for irregular returns, with the advantage of course on the side of the democrats, who were the final judges. The territorial board of canvassers, consisting of Governor Black, Chief Justice Hall, and Leavitt L. Bowen, United States attorney for the territory,[3] found 300 majority for Estabrook and gave him the certificate of election. But if the democratic candidate had any advantage in this beginning his opponent could count on at least an equal advantage in the end—at the hands of the now republican House to which his appeal would lie.

On the 27th of October Daily made a lengthy public demand for the certificate of election, setting forth in particular that the 292 votes of Buffalo county, all returned for Estabrook, were invalid because that county had never been organized. Daily hinted that there were fraudulent returns from properly organized counties, but conceded that under the laws the territorial canvassers could not revise returns from such counties. He knew that the elections committee of Congress would take care of that part of his case. Though there was no minority report from the committee, the declaration[4] that the report was unanimous, and that, "even Gartrell of Georgia, a democrat of the strictest sort, was compelled to join in condemning them (the election frauds) by such a report," was incorrect. Though Mr. Gartrell, who did most of the talking for Estabrook at the hearing before the House, had voted in committee, on the evidence it had, to oust Estabrook, he complained that no opportunity of seeing the report was offered him until the day when it was under discussion in the House.[5] The republicans of the House, led by Mr. Campbell of Pennsylvania, who represented the majority of the elections committee, and Mr. Henry L. Dawes of Massachusetts insisted on pushing the question to a vote on the showing of the committee, while the southern democrats asked for delay so that Estabrook might offer some evidence on his side. Mr. Dawes stated that Estabrook "omitted entirely to take any testimony on the subject simply because, as he says, he supposed the contestant had made a blunder which would be fatal to his case, and that he could not have a hearing on his testimony."[6]

The committee found that Buffalo county had not been organized and that the election was therefore invalid; that 238 of the 292 votes returned were cast, if at all, at Kearney City, situated on the south side of the Platte river, which stream was the southern boundary of the county as defined by the act of the legislature authorizing its organization; and that "the proof is that there are not over

[1] Dakota City *Herald*, September 24, 1859.
[2] Nebraska *Advertiser*, September 29, 1859.
[3] Laws of Nebraska, 3d Ter. Sess., p. 137.
[4] Omaha *Republican*, May 16, 1860.
[5] *Cong. Globe*, 1st Sess., 36th Cong., pt. 3, p. 2184.
[6] Ibid., p. 2182.

eight houses and not exceeding fifteen residents at Kearney City." The entire vote of Buffalo county was therefore rejected. The thirty-two votes of Calhoun county—twenty-eight for Estabrook and four for Daily—were rejected because, the county not being organized, but attached to Platte county for election purposes, those in charge of the election there should have sent returns to the clerk of Platte county; while instead they were sent direct to the governor. The committee also found that the whole voting population of the county did not exceed six. So the vote of Calhoun was thrown out. The twenty-four votes of Izard county—twenty-one for Estabrook and three for Daily—were rejected because there were no voters at all in the county. The twenty-three votes of Genoa precinct, Monroe county—all but three for Estabrook—were rejected because that precinct was within the Pawnee reservation. Sixty-eight of the one hundred and twenty-eight votes of L'eau-qui-court county were rejected because the committee concluded that there were not more than sixty voters in the county. There were thus subtracted 429 from Estabrook's total of 3,100 votes, leaving him 2,671. Daily lost ten of his original 2,800 and was left with 2,790, or 119 majority.

The committee on elections were no doubt technically right in finding that the attempt of Governor Black to organize Buffalo county by appointing the county officers himself was invalid; but since it appears by their finding that there had been an informal election of the officers, it may be inferred that the wish of the committee stood in close relationship to their thought. A legally formal election on the Nebraska frontier in the '50s was about as rare and impracticable as a social function with Parisian manners in the same region. The act[1] creating Hall county specifically authorized the governor to appoint the first county officers, and Black, without authority, seems to have imitated the like action of Acting Governor Morton a few months before.

"The legislature at the last session passed an act to organize the county of Hall, and Hon. J. Sterling Morton, acting governor, has judiciously appointed and commissioned the following officers for said county: Probate judge, Richard C. Barnard; sheriff, Hermann Vasold; recorder, Theodore F. Nagel; treasurer, Joshua Smith; justices of the peace, William A. Hagge, Isaac Thomas; constables, George Schultz, Christian Menck; county commissioners, Frederick Hedde, Daniel B. Crocker, Hans Vieregg.[2] The name of 'Hall' was given to this county as a compliment to Chief Justice Hall.[3]

Then follows this interesting descriptive paragraph:

"Grand Island City is the county seat of Hall county, and is situated forty miles west of Columbus. It is the extreme western settlement of Nebraska and is surrounded by a thrifty, intelligent farming population. The country about it is upland bottom, very fertile, and timbered and watered. Grand Island itself is seventy-five miles in length, and averages four miles in width, being heavily timbered with oak, hickory, cottonwood, and red cedar."

Then comes this prophecy—in those inexperienced times little more substantial than the stuff that dreams are made of, but which nevertheless has already all come true:

"Hall county is destined to be one of the richest and most thickly settled counties in Nebraska, located as it is in the fertile valley of the Platte and on the great highway between Omaha and the Pacific."

And next comes the inevitable political appreciation:

"Governor Morton has been peculiarly fortunate in the selection of his officers, and we know they give entire satisfaction, and are heartily endorsed by the people of Hall county. They are men of sterling integrity and sound democrats, and have long resided in our territory."

[1] Approved November 4, 1858.

[2] Hans Vieregg was a native of Germany and a resident of the village of Gaidersdorf, Holstein, Germany, before coming to America. In 1856 he married Elsie Kruse, who bore him five children, one of whom, Henry Vieregg, is now a prominent citizen of Grand Island.

[3] Omaha *Nebraskian*, quoted in Nebraska City *News*, January 1, 1859.

If the names of these officers are a criterion, our early foreign immigrants must have been quick to appreciate the advantages of Hall county.

The opposition freely charged fraud in the Daily vote, and especially in Richardson and Pawnee counties. The growing feeling on the slavery question is reflected by the contemporary press:

"Our worst apprehensions, we fear, have been more than realized with regard to illegal voting in Pawnee, Richardson and the entire lower tier of counties. The delectable leaders of the fever-heated and blood-hot abolitionists of Falls City, an interior, seven by nine town near the Kansas line in Richardson county, that supports a half dozen whisky shops, an equal number of dilapidated dwelling houses and one horse taverns, boasted that they could 'import' all the voters they wanted from Kansas. This is the celebrated town founded by Jim Lane, and peopled by him with a scurvy horde of rapscallions fresh from the 'sands' of Chicago and the Five Points of New York, as he was on his way to the memorable invasion of Kansas. Is it to be wondered that in a democratic county such a town within a stone's throw of the Kansas line, should cast for the republican candidate for congress one hundred and forty-three votes out of one hundred and seventy-two? The town could legitimately cast perhaps seventy-five votes. . . .

"Every intelligent man at all conversant with politics in Richardson county knows that that county is democratic by at least two hundred majority. Yet the democratic candidate for congress gets barely thirty-nine majority. Pawnee county out of one hundred and forty-six votes gives the democratic candidate barely twenty-two votes. Does any one doubt that the Kansas abolitionists have played their high game of fraud and illegal voting?"[1]

The Dakota City *Herald*[2] made a statement in regard to the Buffalo county part of the case, which, while it may have been colored by partisanship, yet throws an interesting light on the facts and conditions pertaining to the elections of that year:

"The Republican papers say that there were frauds perpetrated in Ft. Kearney and L'Eau Qui Court county, both which places gave Estabrook a goodly number of votes; the former yielding him 292 majority and the latter 128. On the other hand it is charged that the republicans polled a large number of illegal votes in Douglas, Richardson, Pawnee, Clay and Gage. . . . The Omaha *Republican* says that not fifty legal voters reside in the two counties of Hall and Buffalo. Had we not known that this statement was, to say the least, incorrect, it might have passed for what it purported to be in this part of Nebraska; but having visited Ft. Kearney several times during the past three years, we know from personal knowledge that there are more than fifty legal voters there. At no time we were there was there less than three times that amount. As voters, whether they might be termed 'legal' or not we leave others to judge. They were chiefly government teamsters, herders, employees about the fort, Majors, Russell & Waddell's employees, sutlers and their clerks, trappers, traders, and a few gamblers. Last spring it would be safe to say there were three thousand voters at the fort, including those a few miles above and below. We know several who became discouraged at the report from the mines, but determined not to go back. One party went and settled on the Little Blue; another crowd laid off a town six or eight miles below the fort. A number of others went a few miles above to fashion a city and called it after an illustrious Pole. The probability is there are a large number of persons there, and that they have daily increased since spring. While we state these as matters of fact, we do not say there were no illegal votes polled. Indeed, it would be strange if there were not, when it is charged that in the city of Omaha, in the face of the law, and despite the vigilance of the sentinels of both parties, a negro cast a democratic vote and ten citizens of Iowa who were just passing through the town on their way home, voted for Daily. We do say, however, that in the absence of proof to the contrary, we accept and believe the 292 majority for Estabrook to be all right. Now for L'Eau Qui Court. We never were in that county, nor any nearer to it than Dakota City, and cannot speak by authority. But what strikes us as strange is this fact: that county is represented to be republican. They elected a republican county ticket and gave Judge Taffe, a republican, a large majority over Judge Roberts, democrat, for float representative. Being of the conservative kind, and not having their republican belief tinctured with abolitionism, they voted for Estabrook to a man. Since the election not one of these republicans has breathed a breath of 'fraud,'

[1] Nebraska City *News*, October 22, 1859.

[2] November 19, 1859.

nor anyone else that we know of, nearer than the *Republican* office at Omaha."

Daily was declared entitled to his seat without a roll call, May 18, 1860. It is not likely that Estabrook's blunder in not offering any contradictory testimony would have changed the result. There was a richer field for irregularities in his section of the territory than in Daily's, and so it would have been difficult, and probably impossible for him to overcome this natural presumption against himself before a more or less prejudiced committee and house. After the certificate had been given to Estabrook by the territorial canvassers conservative opinion was averse to a contest on this ground: "One great reason why so little has heretofore been secured for Nebraska is that she has never yet had a delegate so situated that he could work for the territory; he has always devoted the most of his time to watching and defending his seat."[1]

Judge Alfred Conkling, father of Roscoe Conkling, prepared Daily's protest to the board of canvassers. He came to Omaha to practice law, but finding the methods of the profession at that time not to his liking, soon returned to New York. Roscoe Conkling was a member of the House of Representatives at this time.

The *News* proclaims that Otoe is still the banner county, having polled fifty-three more votes than Douglas—the next in rank—at the late election.[2]

It had taken six years of time and the work of five legislative assemblies to get the territorial organization into fair working order, and a serious obstacle to its progress had been bitter local sectionalism. The remaining years of the territorial existence were to be more or less seriously distracted by sectionalism on a national scale. At first the republicans are chiefly bent on party formation and supremacy in the territory, and then, for the rest of the territorial period, will follow the passions and distractions of the war. At first the democratic leaders are on the defensive, and then they bitterly attack the policy of their victors. The democrats are divided, the majority following Douglas and jealous of the minority, led by the federal office-holders, who must needs stand more or less openly on the side of the breach between Buchanan and the hero of popular sovereignty occupied by their chief. This division doubtless accounts for the democratic aid given to republicans to pass a bill prohibiting slavery and its veto by the governor.

But on the whole the 6th territorial assembly, which convened December 5, 1859, was the tamest of all the legislative assemblies up to this time. Thomas J. Boykin of Sarpy, Thomas J. Collier of Dakota, and William A. Little[3] of Douglas county took the seats left vacant in the council by the resignation of Leavitt L. Bowen, H C. Crawford, and William E. Moore, and Dr. Edmund A. Donelan of Cass county was elected president. Elmer S. Dundy of Richardson county and William H. Taylor of Otoe county were the only republicans in the council.[4]

[1] Nebraska *Advertiser*, November 17, 1859.

[2] Nebraska City *News*, November 12, 1859.

[3] William A. Little came from Aurora, Illinois, to Omaha in the latter part of the year 1856 and began the practice of law. He was a young man, highly educated, well read in the law, and soon won a prominent place at the Omaha bar. He took an active part in all public affairs, and was elected to represent Douglas county in the council of the territorial assembly in 1859, serving in the sixth, seventh, eighth, and ninth sessions. He was elected to the constitutional convention of 1865 to draft a state constitution. This convention met in July of the latter year and adjourned *sine die*. In 1867 Mr. Little was nominated by the Democratic state convention for chief justice of the supreme court, his opponent being Oliver P. Mason of Nebraska City. He was the only man elected on the democratic ticket. Immediately after the election, owing to ill health, he returned to Aurora, Illinois, and died at Clinton, Illinois, May 21, 1867, before having qualified for the office to which he had been elected; and Governor Butler appointed Oliver P. Mason to the vacancy.

[4] The names of the members of the house from the several districts follow: *Richardson* county, J. Edward Burbank, Nathan Myers, Houston Nuckolls; *Nemaha* county, John P. Baker, George Crow, Dr. William W. Keeling, Jesse Noel; *Otoe* county, Truman H. Adams, Alexander Bain, William H. Broadhead, (Dr.) John C. Campbell, Stephen F. Nuckolls, Milton W. Reynolds; *Cass* and *Lancaster* counties, William R. Davis, (Dr.) William S. Latta, Turner M. Marquett, Samuel Maxwell, John N. Stephenson; *Sarpy* county, James M. Arnott, Matthew J. Shields, Silas A. Strickland; *Douglas* county, David D. Belden, Andrew J. Hanscom, Harrison Johnson, George F. Kennedy, George B. Lake, Dr. A. B. Malcolm; *Washington* county, John S. Bowen, James S. Stewart; *Burt* and *Cuming* coun-

The seat of Richard C. Barnard[1] of the district of Monroe and Hall was unsuccessfully contested by Leander Gerrard.[2] R. S. Parks applied for a seat "as member elect from the gold regions."[3] The committee on privileges and elections reported that it was impossible to seat Mr. Parks because the maximum number of members under the organic law had already

ties, David S. Collier; *Dakota* county, Barnabas Bates, George A. Hinsdale; *Dixon, Cedar,* and *L'eau-qui-court* counties, James Tufts, *Dodge* county, Eliphus H. Rogers; *Platte, Green,* and *Butler* counties, John Reck; *Monroe* and *Hall* counties, Richard C. Barnard; *Pawnee* county, Dr. Jeremiah N. McCasland; *Johnson, Clay,* and *Gage* counties, Charles A. Goshen; *Dakota, Dixon, Cedar,* and *L'eau-qui-court* counties, John Taffe.

[1]Richard C. Barnard was a member of the original colony of Americans and Germans who settled Hall county during the summer of 1857, and was first county judge of that county, being appointed by Acting Governor Morton. He filled that office from 1859 to 1861, when he was succeeded by Frederick Hedde. He was also county surveyor during 1859–60 and '61, and was the first postmaster when the office was established at Grand Island in the spring of 1859.

[2]Leander Gerrard, Columbus, Nebraska, has, it is believed, seen longer continuous service as a bank president than any other man in the state, having been elected president of the Columbus state bank upon its organization in 1871 and continued in the office ever since. He was born in Manchester, England, August 31, 1837. His paternal grandfather, John Gerrard, was a native of the same city, was well educated, became a prosperous cotton manufacturer, and died in the city of his birth. His son, Joseph Gerrard, enjoyed every advantage as a young man, and upon reaching his majority became identified with the cotton manufacturing business. While still a young man he came to live in New York, where he conducted an extensive cotton trade, buying raw cotton and shipping it to England, selling the products in this country. He was a member of the famous Cobden club. In 1825 he married Adeline Allen, a native of New Bedford, Massachusetts, and when, after ten years of residence in America, the death of his father necessitated his return to England to settle up the estate, she accompanied him. She was of a wealthy Massachusetts Quaker family, and in her youth had the advantages of instruction by the best private tutors. Her father was from the old Mayflower stock, a native of Massachusetts, was engaged in shipping and was interested in the manufacture of the first plows ever made in this country.

Of the eight children that were the issue of this union Leander Gerrard was the fifth. He was born during the residence of the family in England, and a year later, after five or six years spent in settling the affairs of his father's estate, Joseph Gerrard, father of Leander, returned to the United States, going to Rock Island, Illinois, in 1838. There he lived for twenty years, pursuing various kinds of business, until in 1858 he removed to Nebraska. He settled near what is now the town of Monroe, Platte county, on government land, and was engaged in farming and cattle raising until he died there in 1870. His wife survived him over a quarter of a century, dying at the home of her son in Columbus in 1896.

Leander Gerrard's education was acquired chiefly in the public schools at Rock Island, Illinois, and after serving as a clerk in a clothing store in that city for three or four years he went to Des Moines, Iowa, in 1855, where for nearly a year he was a clerk in a banking and loaning office. In the spring of 1856 he removed to Omaha and formed a partnership with a lawyer named J. M. Newton in the land agency business, the name of the firm being Newton & Gerrard. This association and employment he continued for nearly a year, and during the same year, with a number of others, he founded the town of Fremont. In 1857 he organized Monroe county, which was subsequently absorbed into Platte county, and laid out the old town of Monroe about a mile east of the present town of that name. The original town of Monroe now has no existence.

In 1858 Mr. Gerrard helped to organize the Republican party in Nebraska, the first convention being held in the old mission house in Bellevue, at which time Samuel G. Daily was nominated for Congress, and subsequently elected. During the session of the legislature the same year he went to Omaha and secured the passage of the first herd law. In 1859 he was elected, as he believes, a member of the legislature from Monroe and Hall counties, on the republican ticket, but the democratic majority disputed his right to his seat, and prevented him from taking it.

In the spring of 1858 Mr. Gerrard got up a petition for the establishment of a mail route from Omaha to the town of Monroe, and then on to Ft. Kearney. The route was established in 1859, and service was afforded to the town of Monroe three times a week, and which was afterward changed to Columbus, and from there to Kearney once a week, the Western Stage company having the contract. During his residence in Monroe county, from 1857 until 1866, Mr. Gerrard was engaged in the cattle business and overland freighting to Kearney. In 1861 he was admitted to the bar before Judge Kellogg. From 1860 to 1866 he was also engaged in trading with the Indians, and conducted a trading post in connection with his freighting business.

In 1866 Mr Gerrard removed to Columbus, where he has ever since resided. He at first opened a law and real estate office, following his profession for several years. He was at one time a member of the law firm of Whittemore, Gerrard & Post. In 1871 he organized the Columbus state bank. He is quite heavily interested in lands, farming and stock raising in that vicinity, and is known as one of the financially solid men of the county.

Mr. Gerrard has long been prominent in the Republican party in Nebraska. He was a member of the state senate 1870–71; was chairman of the first Republican state convention ever held in the state at Plattsmouth; was delegate to the National Republican convention which nominated General Grant for his first term as president; was appointed by President Grant in 1871 United States district attorney for Nebraska, and has many times served as a delegate to Republican state conventions. In 1870 he was married to Miss Bettie C. Weaver, daughter of Michael Weaver of Columbus. They have four children: Clarence L., born 1871; Ernest A., 1873; Phoebe, 1875; and Grace, 1876.

[3]The gold regions here referred to comprised in general the Pike's Peak gold fields, a part of which

Leander Gerrard

been apportioned; but they stated that the petitioner represented a very important portion of the territory and a community greatly in need of legislation, and eminently deserving the consideration, attention, and favor of the house. The committee recommended that the petitioner be admitted within the bar of the house at pleasure.

Of the thirty-nine members of the house twenty-five were classed as democrats; the rest were republicans, full-born or in embryo. There was a struggle over the organization between the administration democrats, led by the governor and secretary of the territory, and the opposing faction, led by Rankin, in which the latter won. Strickland of Sarpy county, the democratic candidate, was elected speaker over Marquett of Cass, the republican candidate, by a vote of 24 to 12. Names on the list of members familiar to present-day Nebraskans are George B. Lake[1] and Andrew J. Hanscom of Douglas; Turner M. Marquett, Samuel Maxwell, and Dr. William S. Latta of Cass; Stephen F. Nuckolls of Otoe; John Taffe of Dakota, and Eliphus H. Rogers of Dodge.

Governor Black's message was devoted mainly to refuting common slanders as to the bad climate and unproductivity of the soil of the territory, and to an argument justifying its admission as a state, in the course of which he estimates the population at 50,000 to 60,000. A historical paragraph of the message is worth quoting:

"This territory was organized, at the same time with Kansas, on the 30th day of May, 1854, and the first legislature met at Omaha, on the 16th day of January, 1855. In that body eight counties were represented. Now, at the expiration of less than five years, twenty-five counties have their representatives in the legislature, and thirty-five counties have been fully organized, or their boundaries de-

lay north of the line between the territories of Kansas and Nebraska which ran sixteen miles to the north of Denver. Practically the Nebraska gold region was never included under the territorial government, and, previous to the organization of Colorado territory, a provisional government under the name of Jefferson territory was organized which assumed jurisdiction over the Pike's Peak gold district.

[1]George Baker Lake, pioneer lawyer of Omaha, Nebraska, was born in Greenfield, Saratoga county, New York, September 15, 1827. His parents were natives of the Empire state and were descended from old English stock. His mother, Nancy (Williams) Lake, was a lineal descendant of Roger Williams. His father, Walter C. Lake, was a farmer by occupation and the father of six children, of whom George B. Lake was the oldest. The latter received his early education in the country schools of New York and Ohio, his father having removed to the last named state in 1835, shortly before his death. George B. Lake spent his boyhood employed in farm work. At the age of twenty-one he entered Oberlin college, where he spent two years. In 1849 he began the study of law in the office of William F. Lockwood at Elyria, Ohio, and the next year became a student in the law office of Clark & Burk in the same city. In the fall of 1851 he was admitted to the bar before Judges Hitchcock and Spaulding of the supreme court of Ohio. In the spring of 1852 he formed a partnership with Mr. Burk, junior member of the firm of Clark & Burk, which continued for two years. He then formed a partnership with Lionel A. Sheldon, later member of Congress from Louisiana. This partnership continued until his removal to Nebraska in 1857. He first engaged in the practice of law in Omaha with Andrew J. Poppleton, under the firm name of Poppleton & Lake; later with George I. Gilbert, the style of the firm being Lake & Gilbert. His third partnership was with Charles H. Brown, under the name Lake & Brown. His fourth partnership, formed in January, 1888, was with James W. Hamilton. Later Henry E. Maxwell, the son of Samuel Maxwell, was admitted to the firm, which became Lake, Hamilton & Maxwell. With the admission of Nebraska as a state Judge Lake was elected, in 1866, as one of the associate justices of the supreme court, was reelected in 1872 and again in 1877, drawing, by lot, the short term of two years. He served as chief justice from January 16, 1873, to January 3, 1878, and from January 5, 1882, to January 3, 1884. He declined a renomination in 1883 and engaged again in private practice in Omaha, where he has since resided. Judge Lake served for many years upon the Omaha school board under the old system and was elected regent of the high school in 1871. He represented Douglas county in the territorial legislature in the sixth, ninth, and eleventh sessions, and was also a member of the constitutional convention of 1871. He was appointed by Judge William Pitt Kellogg to assist Prosecuting Attorney Charles H. Brown in the trial of Cyrus D. Tator, the first man legally executed in Douglas county, and as judge tried and sentenced to death Ottway G. Baker, the second criminal hanged in that county by process of law. In politics Judge Lake was a democrat until the beginning of the Civil war, when he became a republican upon the issue of slavery. He was married at Belleville, Ohio, in December, 1851, to Miss D. A. Poppleton, by whom he had one son, George E. Having lost his first wife in 1854, he was married at Birmingham, Michigan, in June, 1856, to Miss Zade J. Poppleton, a sister of Andrew J. Poppleton, and a cousin of his first wife. Of this union there was born one daughter, Carrie Jane, now the wife of Joy Morton, eldest son of the late J. Sterling Morton. His second wife died in 1860, and he was married in 1861 to Abby Hays, a native of Chicago, by whom he has two children, Mary, wife of Charles L. Deuel, and Dr. Frederick W. Lake of Omaha, Nebraska.

fined by law. With the exception of those which lie immediately upon the Missouri river, nearly all the counties have been so laid off as to cover a surface of exactly 24 miles square. The lands in Nebraska actually surveyed amount to 8,851,758.59 acres. The surveys have been extended from the dividing line between Kansas and Nebraska, on the 40th parallel, to the latitude of 42 degrees and 51 minutes, while the average depth from the Missouri river is about 140 miles."[1]

Bad conditions and not much better economic ideas are illustrated in this paragraph:

"It is a matter of bitter experience that the people of this territory have been made to pass through the delusive days of high times and paper prices, and the consequent dark and gloomy night of low times and no prices. We have had our full share of the financial spasms which for two years have afflicted the great body of the American people. They are gradually passing away, but they will never altogether disappear until the producing causes are removed. One chief and manifest cause so far as new states and territories are concerned (not the only one), is the enormous and overwhelming rate of interest which is exacted for the loan of money, for a common credit in many cases, even for the necessaries of life, or for a brief extension and forbearance of an existing debt. It is idle to look for relief, except in stringent and effective legislation. I am not sure that the evil can be entirely banished by law, but it is worth the trial. I, therefore, recommend the passage of a usury law, contrived in the best possible way to overturn the present system and practice of extravagant and ruinous rates of interest."[2]

BARNABAS BATES[4]
PIONEER OF DAKOTA COUNTY

Financial conditions are set forth as follows:

"According to the auditor's report, the present liabilities of the territory are $31,068.23. On the 20th of September, 1858, they amounted in warrants to $15,774.95. Between the 20th of September, 1858, and November 1st, 1859, in accordance with various laws, warrants were issued for $16,459.95, making the current expenses for that time appear to be the whole of that sum. But fully one-half the amount of those warrants was for liabilities incurred during the year 1857–58, making the actual current expenses for this year to be in fact only about $8,000. The revenue from taxes, due January 1st, 1859, as reported by the different counties (Pawnee county excepted), amounts to $19,387.57, so that the whole debt of the territory may be set down at $11,680.66 more than the estimated resources of the year ending December 1st, 1859."[3]

In his recommendation as to taxation the governor hits on the idea of "the unearned increment," and wins the everlasting esteem of the present day single tax advocates:

"It is true that the man who labors and improves his own land, may be recompensed for all that he does, but still he serves, in some

[1] House Journal, 6th Ter. Sess., p. 10. The number of acres given indicates that only about half of the area over which "the surveys had been extended" had been "actually surveyed."

[2] Ibid., p. 14.

[3] Council Journal, 6th Ter. Sess., p. 13.

[4] Barnabas Bates, pioneer of Dakota county, Nebraska, son of Andrew Bates, a school teacher, and Lucy (Blake) Bates, was born December 15, 1817, in Lee, Oneida county, New York, and died August 26, 1894, in Cedar Rapids, Iowa, and is buried at Dakota City, Nebraska. Barnabas Bates worked upon a farm until he was eighteen years of age, and received only the rudiments of an education. He then learned the brick and stone masons' trade and associated himself with William McClure in business under the firm name of Bates & McClure at Canandaigua, New York. Here they put up many fine buildings, several of which yet remain. In 1856 he went to Des Moines, Iowa, taking with him forty workmen to erect several large buildings for which he had contracts. The following year, 1857, he settled in Dakota county, Nebraska. Preparations were begun in Dakota City by the town company for the building of a large hotel, afterwards known as the Bates House, and Colonel Bates was employed to go to St. Louis to purchase necessary material. The hotel was finished in 1858 at a cost of $16,000. In the fall of 1857 Colonel Bates was appointed county treasurer, and in 1859 was elected a member of the 6th territorial assembly, as a democrat, and also elected mayor of Dakota City. He was appointed by President Buchanan postmaster of Dakota City and served seven years. In 1861 he was again elected to the lower house

degree, both the government and the community, in the very work that he does for himself. Further, he adds to the value of every acre of vacant land in or near his neighborhood. If that land is held for mere speculation, is it not clear that the owner looks to the labor of others for the gains which are to follow the enhanced value of his estate? In regard to this subject I wish to be explicit and plain. It is a fact very well known that hundreds of thousands of acres of the best land in Nebraska are held by individuals who have never broken a single foot of sod with spade or plough. These lands, being unimproved, pay only at present a comparatively small tax. The man who lives on and improves his property, in town or country, has generally a reasonable amount of personal property. For the purpose of making the burdens as light as possible, where they should be light, I recommend that real estate shall be made the chief basis of revenue. I think it would be well if there was a special exception, to a limited extent, from all taxation made in favor of the different kinds and varieties of stock and cattle. As, for instance, a certain number of sheep, swine, oxen, horses, cows, etc.; the object being mainly to encourage the tax-payers of the territory to rear and keep stock, especially such stock as is valuable and of the most improved description or breed."

Though the criminal law of the territory had been restored, the governor complains that it is rendered ineffectual for lack of a penitentiary or other public prison, and he states that a large and enterprising population in the western part of the territory, mostly in the mining region, are without the benefit of county organization, and consequently in a great measure without the protection of law.

The message is a well-worded and occasionally eloquent address, and sustains Governor Black's reputation as a brilliant stump speaker. The last paragraph is a fine sample of this kind of oratory.[1] No other public man of Nebraska has written so "finely"—with such rhetorical taste or oratorical effect as Governor Black wrote. Two veto messages of this session are notable, one at great length in objection to the anti-slavery bill,[2] the other a deserved but ineffective rebuke of the now settled and vicious custom of granting special charter privileges to individuals.[3]

For the first time the auditor feels justified in stating in his report that the revenue law is fairly effective, and his optimism is based upon the fact that the counties now comply with the law so far as to levy the taxes; but a year later the treasurer is compelled to complain that they are not paid. The territory is still living almost wholly on credit in the form of fast increasing warrants.

The principal enactments of the legislature were as follows: An act providing for an election to be held the first Monday in March, 1860, to decide whether or not the people desired state government, and to elect delegates to a convention which should prepare a state constitution; concerning the jurisdiction of justices of the peace and procedure before them; providing that a delegate to Congress should be elected in 1860 and every two years

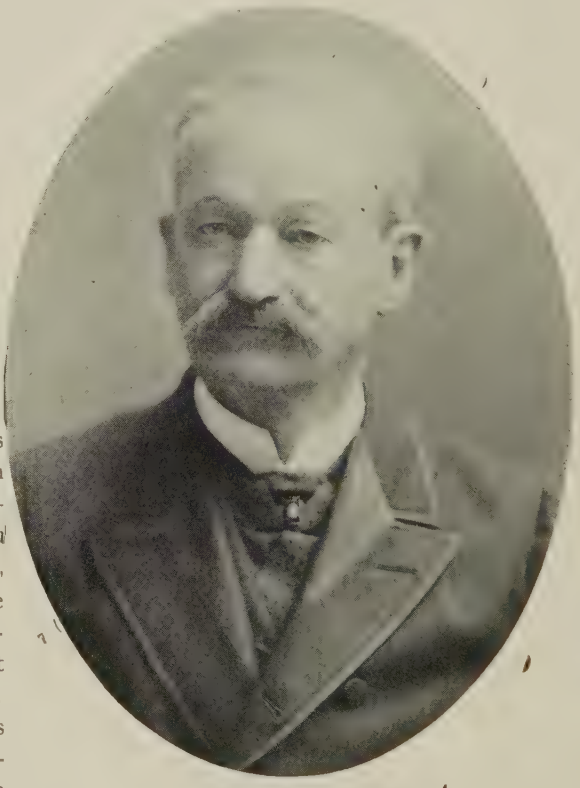
of the 8th territorial assembly. He served as notary public, and as coroner of Dakota county for a number of years; was also deputy clerk of the district court for the northern district of Nebraska. In the fall of 1866 he was again elected, on the democratic ticket, as a member of the last territorial council. In 1881 he went to Ft. Assiniboin, Montana, later to Ft. Peck, Montana, where he built a sawmill, and also several buildings for school purposes. In the fall of 1883 he returned to Dakota City, which remained his home until his death, although the last few years of his life were spent with his daughter in Cedar Rapids, Iowa. He was married at Canandaigua, New York, December 28, 1846, to Miss Elizabeth Stacy, who died in June, 1848, leaving one daughter, Helen Elizabeth. He was again married in 1860 to Mrs. Hannah Nevell of Ft. Calhoun, Nebraska. Mrs. Bates died in February, 1879, leaving two daughters and one step-daughter, all of whom have since died. Helen Elizabeth Weeks, the daughter of his first wife, resides at Cedar Rapids, Iowa.

[1] "These prairies will all be peopled from the great river to the mountains. The farmhouse and the schoolhouse will decorate the plains, and temples reared to the living God will resound with praises from living and grateful hearts. This is the mighty and majestic future to which we look, almost, with the assurance of a Divine faith. Our fathers saw this day and were glad. And when this 'goodly frame'—without a parallel on the earth —'this Union'—was first conceived, they trusted in Jehovah, and were not disappointed. They knew as we know, that 'there is a special Providence in the fall of a sparrow' and in the rise and fall of nations. That their fate, who have fallen, may not be ours, and that our country may continue to rise and increase in just power, in excellence and in virtue, should be and will be, in all parts of it and in all time to come, as in times past, the invocation and prayer of the patriot."

[2] Council Journal, 6th Ter. Sess., p. 260.

[3] Ibid., p. 242.

thereafter, and that his term of office should begin on the 4th of March next after his election; a homestead and personal property exemption law. A bill prohibiting slavery in the territory was passed by both houses, but was vetoed by the governor. The legislature authorized the organization of the counties of Dawson, Kearney, Morton, Nuckolls, Shorter,[1] West, and Wilson, and legalized the previous organization of Gage county. Dawson and Kearney counties continue as small parts of their originals; Holt takes the place of West; Morton[2] and Wilson[3] lay partially adjacent in the region where the Sweetwater flows into the North Platte river, now in south central Wyoming. Shorter county, whose name was changed to Lincoln in 1861, adjoined Kearney on the west; both held elections in 1860, but for some reason the board of territorial canvassers counted out the vote of Shorter. These two counties were assigned legislative apportionment in 1861. Neither Morton, West, nor Wilson appears to have performed any organized function. About the usual number of special acts for incorporations and ferries and bridges were passed. Joint memorials to Congress were adopted asking for school lands in lieu of those covered by the Indian reservations in Nemaha and Richardson counties; for indemnity for the cost of the Pawnee Indian campaign; for appropriations to build a penitentiary; to construct a military road from Nebraska City to Fort Kearney; and for $30,000 to complete the capitol. The memorial for the capitol appropriation recites that "under a degree of mismanagement, wholly unpardonable, upon the part of the executive, Mark W. Izard," the whole appropriation of $50,000 was expended, "and the building only just begun." The first act protecting game animals in Nebraska was passed at this session.



DR. EDMUND A. DONELAN[4]

The statehood measure was generally favored and party lines were not drawn in considering it. Party animosity was concentrated on the anti-slavery bill, and it was as bitter between the democratic factions as between the two parties themselves. A speech

[1] Shorter county embraced all of that territory now included in the counties of Phelps, Harlan, Gosper, Frontier, Red Willow, and that part of Lincoln county lying south of the Platte river.

[2] Morton county was bounded as follows: "Commencing at a point fifteen miles up the A-la-Prelle river, from the mouth of said river, emptying into the North Platte river, from the south; thence in a northerly direction down the A-la-Prelle river to its mouth, across the North Platte, and to a point fifteen miles in a westerly direction to the Sweetwater river, to a point fifteen miles from where the Sweetwater empties into the North Platte river; thence in a southerly direction down Sweetwater, crossing the North Platte to a point fifteen miles from the North Platte in a southerly direction, and from thence fifty miles east to the place of beginning." The act provided that the governor should appoint three commissioners "residents of said county" whose duty it should be to call an election on the first Tuesday in June, 1860, for the election of county officers. The act further provided that the seat of justice should be located at Platte City.

[3] The boundaries of Wilson county were defined as follows: "Commencing at a point fifteen miles in a westwardly direction from where the northwest corner of Morton county intersects with the Sweetwater river, thence north fifty miles, thence east thirty miles, crossing the Sweetwater river, thence south fifty miles, thence west thirty miles, crossing the Sweetwater river, to the place of beginning."

[4] Dr. Edmund Armstrong Donelan was born near Ogdensburg, St. Lawrence county, New York, April

DR. JETUS R. CONKLING, OMAHA

MRS. JENNIE HANSCOM CONKLING

DR. JAMES H. PEABODY, OMAHA

MRS. JENNIE YATES PEABODY

on the usury bill, delivered in the house by S. F. Nuckolls, illustrates the pinched financial conditions of those times as well as the insight into economics of a man untrained in its principles.[1] Mr. Nuckolls conducted a large across-the-plains freighting business besides other important enterprises. Our county of Nuckolls was created by the 6th assembly, of which he was a member, and received his name.

The death of Judge Fenner Ferguson occurred at his homestead farm at Bellevue, October 11, 1859. Judge Ferguson was the first chief justice of the territorial supreme court and was a resident of Michigan at the time of his appointment. He possessed fair ability, commanded general respect, and had the good will of the citizens of the territory to an unusual degree, especially for a public officer of those days. He served one term as a delegate to Congress, from December, 1857.

---

5, 1824. Michael Donelan, his father, was born and raised in Ennis, county Clare, Ireland. After attending Trinity college he was appointed, through the influence of his cousin, Michael Finucun, an officer in the English navy. After serving seven years he resigned and emigrated to America, going to Ogdensburg, New York, where he married Mary Armstrong, and settled on a farm which he bought in Lisbon township. Farming not proving profitable, he removed to Cincinnati, Ohio, where he resided for some time, and where Mrs. Donelan died. He then formed a partnership with his brother, Edmund F. Donelan, and engaged in the mercantile business in Abington, Wayne county, Indiana, where he continued to reside until his death in 1840. Edmund A. Donelan received a public school education, supplemented by a course at Beach Grove seminary in Union county, Indiana. He studied medicine with Dr. Ziba Costertine in Liberty, Indiana, earning money to defray expenses by teaching school during the winters. He attended his first course of lectures in 1846 and 1847 in the Ohio Medical college at Cincinnati. He returned to Abington, where he engaged in practice for a few months, and then removed to Amazonia, Andrew county, Missouri, and in 1850 settled in Savannah, Missouri. In 1851 and 1852 he returned to the Ohio Medical college and graduated. Then he attended a course of lectures in Pope's Medical college of St. Louis, and in 1870–71 took another course at Bellevue Medical college, New York. While engaged in an active practice he was elected to the Missouri legislature in 1852 and 1854. In 1857 he removed to Plattsmouth, Nebraska territory, to start his cousin, Dr. William E. Donelan, in practice. In the fall of 1857 he was elected to represent Cass county in the lower house of the 4th legislative assembly of Nebraska territory, which convened at Omaha, December 8, 1857. In the legislature Dr. Donelan took an active part in favor of the removal of the capital to some point south of the Platte river. He was a member of the majority that removed to Florence, and it was he that made the motion in the house for this removal. He was elected to the council of the territorial assembly in 1859, and served as president of that body at the sixth regular session. He was also elected mayor of Plattsmouth, January 4, 1858, and re-elected September 18, 1859. He was a member of the first Democratic territorial convention held at Plattsmouth, June 3, 1858, and was a member of the committee on resolutions. In 1860 Dr. Donelan removed to St. Joseph, Missouri, where he built up a large practice. He was one of the founders of the College of Physicians and Surgeons, now the Ensworth Medical college of St. Joseph. Since his removal to Missouri, Dr. Donelan has led an active public life. He has held many important positions of trust and responsibility, and is at present medical examiner of the public schools of St. Joseph. During the Civil war Dr. Donelan was a "constitutional Union man, but was classed as a rebel sympathizer." He was made a master Mason in Savannah in the early '50s and a Royal Arch Mason in Omaha, Nebraska, in 1859. He was master of the first Masonic lodge working under dispensation in Plattsmouth, Nebraska. When the war broke out Dr. Donelan with others formed, at St. Joseph, Missouri, a lodge, "Orion," under a dispensation, and which continued for some time, when it disbanded and surrendered its charter, and Dr. Donelan has not since visited a Masonic lodge, although he has nothing but kind words for American free masonry. In politics he has always been a democrat, and is a member of the Catholic church. He married Miss Martha Fulkerson, who died in 1890. Dr. Donelan has several relatives still living in the west, among them John Donelan, a banker at Weeping Water, Nebraska, and Drs. James and Frank Donelan of Glenwood, Iowa.

[1] "Although, as a general thing, I am opposed to usury laws, believing that money is worth all you can get for it, yet I think that there exists a state of things in this territory which imperatively demands some action on this subject at the hands of the legislature. The history of no country in the world affords a parallel to the financial revulsion which a few months ago swept over the entire country. . . Two years ago, all was prosperity.—Loafers, even, were counting their wealth by thousands, and had their pockets filled with gold. The highest prices were paid in cash for every description of property. So rapid was the rise in the value of property, that even fabulous rates of interest were given to the money lenders, to invest in real estate; and then, even, the investments paid some sixty and some an hundred fold, and even more. Borrower and lender both got rich. But suddenly the sun was struck down at noonday, and money lenders and their customers were both buried in common darkness. . . After a while, sir, if the golden days ever do come again—if ever we get a glimpse of the smiling skies of '56 and '57, and I should have the honor of a seat in the Nebraska legislature, I should vote for the repeal of this law and all relief and usury laws. But now, sir, the stern demands of the times, the plainest convictions of duty, prompt me, without reference to considerations of interest, to support this bill as a measure of public necessity."—(From *Peoples Press*, January 5, 1860.)

# CHAPTER XIII

POLITICAL CONVENTIONS—CONGRESSIONAL CAMPAIGNS OF 1860–62—SEVENTH LEGISLATURE—MORTON–DAILY CONTEST—APPOINTMENT OF GOVERNOR SAUNDERS—DEPARTURE OF GOVERNOR BLACK—MILITARY AFFAIRS—EIGHTH LEGISLATURE

AT the statehood election of March 5, 2,372 votes were cast against, and 2,094 for a state government.[1] The main issue was so complicated with cliques and prejudices that the vote was scarcely a true expression of public sentiment in relation thereto: "not one-half the democratic voters participated in the election, treating the whole thing as a farce."[2] The statehood scheme was put forward, and in the main supported by the old South Platte element, and particularly by Otoe county. Thus the heavy majority for state government came from the following counties: Cass, 303; Otoe, 249; Washington, 202; and Nemaha, 96; while against the proposition Douglas gave 456; Dakota, 174; and Sarpy, 226. Sarpy had by this time accepted the inevitable, given up capital hopes, and was adjusting herself to her local interest, while the considerable influence of Daily doubtless had something to do with throwing Richardson, which gave 154 against the state proposition, out of gear with her South Platte traditions and locality.

The Omaha *Republican* contented itself with insisting on the choice of free state—that is, republican—delegates to the constitutional convention; while the *Nebraskian,* the democratic organ at the capital, stoutly asserted that democrats would put an anti-slavery provision in the constitution. Douglas, or popular sovereignty democrats were undoubtedly in the majority in the territory, and they resented the insistence of Governor Black, in his recent veto of the anti-slavery bill, that the people of the territory, through the legislature, did not possess the power under the organic act to deal with the slavery question. It was charged also that the administration, or Buchanan faction, kept Douglas democrats off the delegate ticket in Douglas county. Of the fifty-two delegates to the constitutional convention[3] the republicans chose about forty, and while, because the state

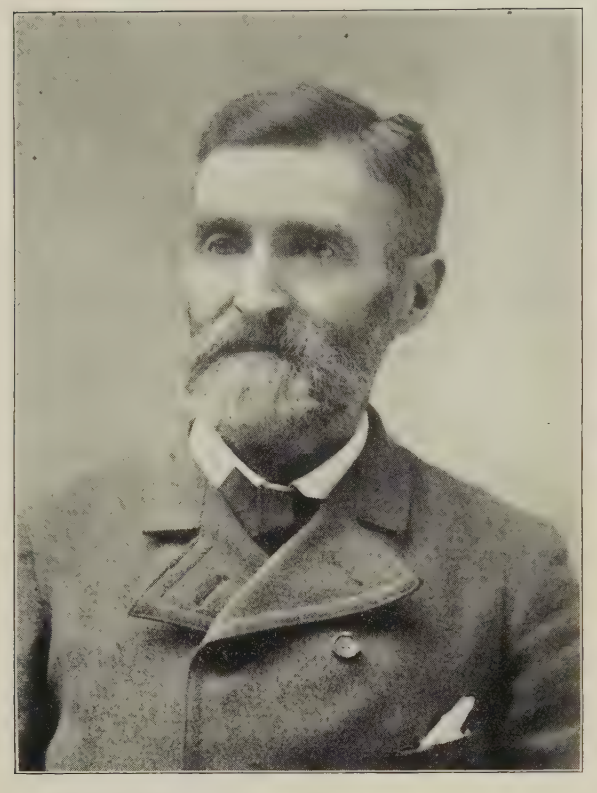
[1] Following is the record of votes cast at the statehood election held March 5, 1860:

| COUNTIES | For State Govt | Ag'st State Govt |
|---|---|---|
| Burt | 68 | 42 |
| Cass | 449 | 146 |
| Cedar | 12 | 46 |
| Cuming | 7 | 1 |
| Clay | 10 | 24 |
| Douglas | 136 | 592 |
| Dakota | 24 | 198 |
| Dodge | 13 | 42 |
| Dixon | 4 | 77 |
| Gage | 25 | 18 |
| Hall | 12 | 13 |
| Johnson | 24 | 1 |
| Lancaster | 11 | 10 |
| Nemaha | 308 | 212 |
| Otoe | 559 | 310 |
| Pawnee | 69 | 75 |
| Platte | 21 | 45 |
| Richardson | 70 | 224 |
| Sarpy | 28 | 254 |
| Washington | 244 | 42 |
| Total | 2094 | 2372 |

(Official abstract, Omaha *Nebraskian,* March 31, 1860.)

[2] Omaha *Nebraskian,* March 10, 1860.

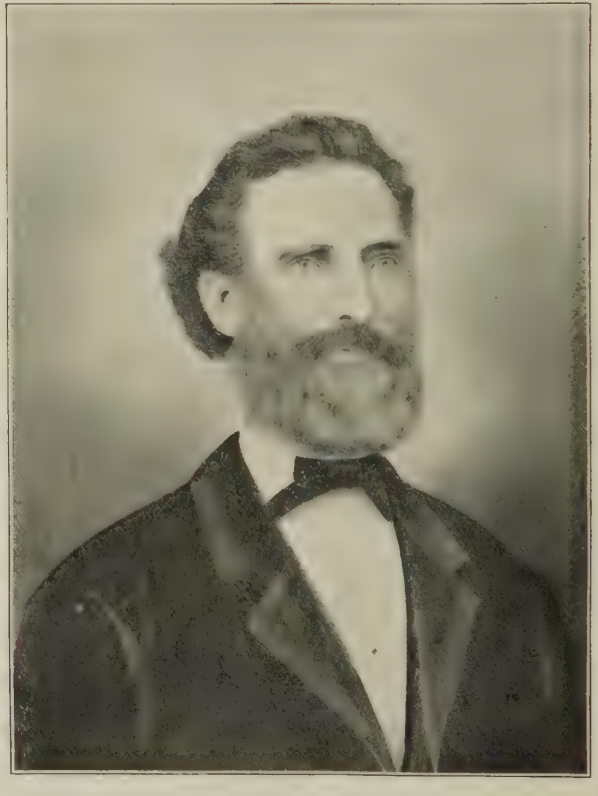
[3] The not quite complete record gives the names of the delegates elected to the constitutional convention as follows: Burt county, Dr. Jetus R. Conkling, J. H. Mathews, democrats; Cass county, Isaac Pollard, Samuel Eikenbary, Lewis Barnum, William Gilmour, Samuel H. Elbert, Dr. Abel Lyman Childs, republicans; Dakota county, William C. McBeath, Thomas L. Griffey, Daniel McLaughlin, democrats, John Taffe, William F. Lockwood, republicans; Dodge county, Barnabas Bates; Douglas county, Alfred Conkling, Dr. Gilbert C. Monell, Edward P. Brewster, John H. Kellom, John M. Thayer, James C. Mitchell, Joseph Fox, Henry Munger, republicans; Nemaha county, Thomas W. Tipton, Dr. John McPherson, Daniel C. Sanders, Joseph D. N. Thompson, Samuel A. Chambers, republicans; Otoe county, Allen A. Bradford, Oliver P. Mason, James D. Carmichael, G. H. Elias, William H. Taylor, Orsamus H. Irish, Charles H. Cowles, Andrew L. Folden, republicans; Platte, Monroe, and Hall counties, John Reck, Charles H. Whaley, republicans; Sarpy county, Augustus Hall, J. A. Emory, John S. Seaton, William Cleburne, democrats; Washington county, Thomas P. Kennard, William E. Moore, William Kline, republicans. The Omaha *Republican*



EVANDER W. BARNUM, PIONEER OF CASS COUNTY

JAMES M. HACKER, PIONEER OF NEMAHA COUNTY

JOHN STEINHART, PIONEER OF OTOE COUNTY



JOHN DUNBAR, PIONEER OF OTOE COUNTY

proposition was defeated at the same election, there was no constitutional convention held, the democrats were left in a bad plight. Among the well-known names of the delegates were Alfred Conkling, Gilbert C. Monell, grandfather of Gilbert M. Hitchcock, the present (1904) member of Congress from the 2d congressional district of Nebraska, John M. Thayer, John Taffe, Thomas L. Griffey,[1] Oliver P. Mason, Thomas W. Tipton, Thomas P. Kennard, Judge Augustus Hall, Isaac Pollard, Dr. Jetus R. Conkling, and William Cleburne.

The Republican territorial convention for 1860 was held at Plattsmouth on the 1st of August.[2] Daniel L. Collier of Burt county was temporary chairman and T. W. Tipton

(March 14, 1860) which gives this list, makes a round-up of the politics of all delegates elected as 36 republicans, 12 democrats, and 4 not heard from. Monroe county had been merged with Platte county by act of the legislature, January 12, 1860, and for some reason which does not appear no vote from L'eau-qui-court county appears in the list made by the board of canvassers.

[1]Thomas L. Griffey was born in Alexandria, Kentucky, June 28, 1827. In the spring of 1849 he started for California, but was taken ill en route and obliged to stop at Kanesville (Council Bluffs), Iowa. He first crossed the Missouri river to the Nebraska side in 1850. In 1851 he went up the Missouri river with a stock of goods to engage in the Indian trade, and established a trading post near the present site of Woodbury, Iowa. He was married August 7, 1853, to Mary I. Brown, daughter of Rev. Samuel Brown, a Methodist minister living near Council Bluffs. In the fall of the same year he was employed by United States Indian agent, Maj. George Hepner, to escort a delegation of Indians, of whom the Fontanelle boys were leaders, up the river to examine a tract of land above the present site of Ponca, where the government proposed to establish the Omaha reservation if agreeable to the Indians. On the return trip the land embraced in the present Omaha reservation was selected for a permanent abiding place, Mr. Griffey driving the initial stake about one hundred yards from the bank of the river immediately north of the 42d parallel of north latitude. They then surveyed from that point twenty-four miles due west, eighteen miles north, and thence east to the Missouri river. Mr. Griffey assisted in the organization of Woodbury county, Iowa, and in locating the county seat, which was established below Sioux City near the grave of Sergeant Floyd, and the place was named Sergeant Bluff. In 1856 Mr. Griffey entered a claim within the present corporate limits of Sioux City, which is still known as the Griffey addition. This property he disposed of for $25,000. He was admitted to the bar in Sioux City in 1856 and settled at Covington in 1857, where he engaged in the law and real estate business. In 1860 he removed to Cedar county, Nebraska, and to Dakota county in 1861, where he was deputy county clerk the following year. In 1862 he enlisted in company I, 2d Nebraska cavalry, and participated in the battle of White Stone Hill. He was promoted orderly sergeant and mustered out in November, 1863. He served in the tenth and eleventh sessions of the territorial council, to which he was elected on the democratic ticket in a strong republican district, his opponent being William H. James. He was county attorney of Dakota county for seven years, and in 1875 was elected judge of the 6th judicial district of Nebraska against Edward K. Valentine. His election being contested by Mr. Valentine, he was unseated after serving one year, the republican legislature deciding that Valentine had been elected by 2.21 votes. In 1882 he suffered a stroke of apoplexy which left him crippled for life. His wife died in October, 1885. Judge Griffey was for many years one of the heaviest tax payers of Dakota county; and was first president of the Dakota Farmers' institute organized in 1886. He spent his last years in Sioux City, Iowa, where he died January 1, 1892. A daughter, Mrs. Will Jay, resides in Dakota City. For the foregoing facts we are indebted to Warner's History of Dakota County.

[2]REPUBLICAN TERRITORIAL CONVENTION OF 1860

(Omaha *Republican*, August 8, 1860)

"At 11 o'clock on Wednesday, August 1, 1860, and in pursuance of the call of the republican territorial central committee, the delegates appointed by the republicans of the several counties in the territory met at Campbell hall in Plattsmouth, and were called to order by the chairman of the committee, on whose motion Hon. David L. Collier, of Burt, was chosen temporary chairman. On assuming the chair Mr. Collier said:

"'Gentlemen: I thank you for the honor you have conferred in calling me to preside temporarily over your deliberations. This is the second republican territorial convention assembled in Nebraska. One year ago, at Bellevue, across the Platte, the party in this territory was first organized. Before that period, resistance had been faintly attempted in some localities to democratic power, which, proceeding from the patronage of the general government, was fostered by the overwhelming influence of a corrupt administration. At the time our convention assembled, that party had just avoided a threatened division—had nominated a candidate supposed to be most popular and thus appeared confident in its strength. Bravely did our young party sustain and repel its attack. Republicans contended rigorously, proclaiming everywhere the imperishable principles on which Republicanism is founded, and exposing in true light the deception and corruption of the organization we opposed. We were victorious; we elected our candidate—Samuel G. Daily—fairly, triumphantly. If the republican party of this territory, last year, in its infancy, in its cradle, strangled the democratic monster, what immense work may it not accomplish when arrived at mature growth, if we preserve its original purity and integrity?

"'But I will not delay longer the important business we have convened to transact.'

"Mr. Sweet of Otoe moved that Thomas W. Tipton of Nemaha be temporary secretary—adopted.

"Mr. J. E. Doom, of Cass, moved the appointment by the chair of a committee of five to recommend suitable persons for permanent officers of the convention—adopted.

"Mr. McNeely, of Washington, moved a committee of five be appointed on credentials—adopted.

"Dr. G. C. Monell, of Douglas, moved a committee of five on resolutions—adopted.

of Nemaha, temporary secretary. W. F. Lockwood of Dakota county was president of the regular organization. Samuel G. Daily was a candidate for renomination for delegate to Congress, and J. M. Thayer of Douglas, W. H. Taylor of Otoe, T. M. Marquett of

"Mr. Meredith offered resolutions for the appointment of a territorial committee, and moved their consideration be postponed till the afternoon session—adopted.

"Mr. E. S. Dundy, of Richardson, moved that all resolutions introduced into this convention be referred, without debate, to the committee on platform and resolutions, which was adopted.

"Mr. Doom moved that Mr. George L. Seybolt, of Cass, be appointed assistant temporary secretary—adopted.

"On motion of Mr. Meredith the roll of counties was then called, and, as handed in, the credentials of delegates were referred to the committee on credentials.

"The chair announced the following committees: Permanent organization, Messrs. Doom of Cass, Matthias of Otoe, Meredith of Douglas, James of Dakota and Marshall of Cass. Credentials, Messrs. McNeely of Washington, Tipton of Nemaha, Griffen of Douglas, Goodwill of Burt, and Crater of Otoe. Platform and Resolutions, Messrs. Monell of Douglas, Sweet of Otoe, Dundy of Richardson, Martin of Sarpy and Tuttle of Hall.

"The convention then took a recess till 2 o'clock.

"AFTERNOON SESSION

"At 2 o'clock the convention reassembled, and was called to order by the chairman.

"Mr. Doom from the committee on permanent organization, reported as follows: President, William F. Lockwood, of Dakota; vice-presidents, Edward W. Fowler, of Pawnee, James S. Allan of Sarpy; secretaries, George L. Seybolt, of Cass, Rue P. Hutchins, of Nemaha, George E. Crater, of Otoe.

"The report was adopted unanimously.

"The chairman appointed Messrs. Doom and James to conduct the president elect to the platform.

"On taking the chair, Mr. Lockwood returned thanks for the honor conferred, counselled moderation and harmony in the deliberations of the convention, and congratulated the people upon the auspicious signs of a glorious triumph of our principles in territory and nation.

"Mr. Doom offered a resolution in relation to the action of republican members of the last legislature, in sustaining a bill to prohibit slavery in this territory, and condemning Gov. Black for vetoing the same. Referred to committee on platform and resolutions.

"The resolutions offered by Mr. Meredith this morning in relation to the territorial committee was called up, amended and adopted as follows:

"'Resolved, That the roll of the counties represented in this convention be called, and that each delegate report the name and postoffice address of a member of the territorial committee from the respective counties and legislative districts.'

"Mr. Monell, from the committee on resolutions, reported a platform, which was read.

"Mr. Mullen of Cass, said the committee on credentials had not yet reported, and, as we did not know authoritatively who were members of the convention, moved to postpone the consideration of the resolutions till after report of the committee on credentials—adopted.

"The president announced that the committee on credentials would be ready to report in about half an hour, thereupon Mr. Seymour of Douglas, moved a recess of half an hour—adopted.

"AFTER RECESS

"Of half an hour, the convention was called to order, and

"Mr. McNeely, from the committee on credentials, reported as follows: Richardson county, Lewis Allgewahr, and Elmer S. Dundy, with the proxy of Freeman A. Tisdel, Sr.; Nemaha, Messrs. Thomas W. Tipton, Daniel C. Sanders, Rue P. Hutchins, and Dr. Russell Peery; Otoe, Messrs. James Sweet, Jacob Dawson, Richard Justice, Timothy D. Crook, Samuel P. Sibley, James H. Masters, Alfred Matthias, George E. Crater, and William E. Hill, being nine delegates, when by call said county is entitled to but eight; Cass and Lancaster, George L. Seybolt, John W. Marshall, Louden Mullen, John F. Buck, James E. Doom, Samuel M. Stevenson and John McF. Hagood, being seven delegates when by the call they are entitled to but six; Douglas, Dr. Gilbert C. Monell, John R. Meredith, John H. Kellom, Joel T. Griffen, Joseph Fox, Dr. James H. Seymour, Herman Glass, Edward P. Brewster, and Oscar B. Selden; Johnson, Clay and Gage, Messrs. Isaac C. Lawrence and Nathan Blakely; Platte, Green, Calhoun and Butler, Charles H. Whaley, with power to cast two votes; Hall, Leroy L. Tuttle; Pawnee, Edward W. Fowler, and Henry N. Gere; Cuming and Burt, David L. Collier, William F. Goodwill; Dakota, William F. Lockwood, William H. James, and Francis M. Virden; Cedar, and L'eau-qui-court, William H. James (proxy); Dixon, William F. Lockwood, (proxy); Dodge, James G. Smith; Sarpy, H. H. Smith, Moses S. Martin, James Gow and James S. Allan; Washington, Hugh McNeely, Alonzo Perkins and Albert W. Merrick.

"After considerable discussion, the report was adopted. Mr. Meredith moved that the roll of delegates be now called by counties, and as called each county name one person as a member of the territorial central committee—adopted.

"The call was proceeded with, and the following gentlemen appointed as such committee: Elmer S. Dundy, Falls City, Richardson county; Thomas W. Tipton, Brownville, Nemaha county; Alfred Matthias, Nebraska City, Otoe county; William Gilmour, Rock Bluffs, Cass county; Dr. Gilbert C. Monell, Omaha, Douglas county; Charles H. Whaley, Monroe, Platte county, &c.; John A. Briggs, Pawnee City, Pawnee county; Frank Welch, Cuming and Burt counties; William H. James, Dakota, Dakota county; Sireno B. Colson, Fremont, Dodge county; James Gow, Bellevue, Sarpy county; John S. Bowen, Elkhorn, Washington county; Nathan S. Porter, Ponca, Dixon county; Moses H. Deming, Cedar county; Dr. Joel A. Potter, L'eau-qui-court county; Daniel B. Crocker, Hall county.

"THE PLATFORM

"Dr. Monell then called up his report from the committee on Platform and Resolutions. It was as follows:

"'1. Resolved, That we heartily endorse the nominations of Abraham Lincoln, for president and Hannibal Hamlin for vice-president of the United States, and the platform adopted by the republican convention at Chicago, May 17th, 1860, as embodying our political views on questions of national policy.

"'2. Resolved, That we are in favor of the homestead bill as introduced and passed by the republi-

Cass, and John Taffe of Dakota county were his principal opponents. At the first Thayer ran even with Daily, but the latter was nominated on the tenth ballot. The resolutions

cans of the House of Representatives at the last session of congress, giving to every actual settler 160 acres of land; that the democratic senate in defeating this bill, and substituting one excluding foreigners and young men from its benefits, and demanding 62½ cents an acre from all, proved themselves unfriendly to free labor and free territories; that the president in vetoing even the senate bill, after the republicans had accepted it as better than none, proved that the democratic party in all its sections is opposed to such homestead bill as every free laborer demands.

"'3. [That the appropriation of money by congress to complete the capitol and build a penitentiary at Bellevue, as asked by a unanimous vote of our legislature, is demanded by great public interest and necessity, and] that all needful appropriations be urged without delay and without regard to locality or the ascendency of either political party; and that any appropriations should be protected by such legal safeguards, that said money cannot be applied to any other than the legitimate purposes for which it was appropriated.

"'4. That the practice of the present administration in appointing to office in the territory persons who have had no previous residence or interest here, and especially in disposing of territorial offices as a reward for treachery to the cause of freedom, merits our strongest condemnation, as being detrimental to the moral, social and political interests of the people.

"'5. [That an appropriation for the building of a government road and bridging of the streams from Nebraska City to Fort Kearney is imperatively demanded by the increasing population on our western borders and to facilitate the transportation of military stores to our army employed in the protection of our western inhabitants.]

"'6. [That a government road ought to be built from some eligible point on the Missouri river in Cass county, running west to intersect said road from Nebraska City to Fort Kearney, and that an appropriation should be made to make a military road from the Platte river to the Running Water, and running thence south to the Kansas Line.]

"'7. That the delegate ought to use all influence in his power to obtain appropriations from the general government to bridge the Platte river at the most feasible point on the direct line of travel between Nebraska City and Omaha.

"'8. That it is the wish of the people of Nebraska, that the delegate to congress from this territory shall procure the passage of a law ceding by the United States to the territory of Nebraska, and the states to be made therefrom, the swamp lands lying within the borders of said territory, upon the same terms and conditions as such lands were ceded to Iowa and other states.

"'9. That the increased population of the mining regions and the immense travel in consequence, passing up the valley of the Platte, is a new and unanswerable argument in favor of the great central route for a railroad to the Pacific, as advocated by the republicans and opposed by the democratic party.

"'10. That our delegate be requested to obtain, if possible, the passage of an act of congress giving to the commissioner of common schools of Nebraska the possession of school lands within her borders with the right to lease the same, and that the revenue arising therefrom go to the school fund of the territory, to be expended according to law for educational purposes.

"'11. Resolved, That the action of the republican members of the last legislative assembly prohibiting slavery in Nebraska, was demanded by the continued attempt of slavery propagandists to establish the institution in this free territory, and deserves the unqualified approval of the republican party; and the action of the democratic governor in vetoing the same deserves our strongest condemnation.'

"Mr. Doom of Cass had no objection to a single appropriation named in the resolutions. He believed them all necessary and proper. Still he doubted the policy of selecting out single points and naming them in our resolutions—it would work mischief. There were other appropriations necessary, and there was not a village in the territory but would rise up and say, 'You have neglected us.' The democrats, who have no other capital than impudence and demagoguery, will appeal to these various points and use it to our disadvantage. These questions are merely incidental, and it will be better for us to confine ourselves to the fundamental issues that divide the parties. Our opponents are driven to the wall, and we ought to confine them there. There is not a single question of public policy advocated by either wing of that double-headed party that is not in direct antagonism with the best interests of our people. We must not suffer them to dodge these issues by raising false and frivolous ones. He moved to strike out that part which we have included in brackets.

"Dr. Monell said the resolutions in relation to capitol and penitentiary appropriations merely reaffirmed what the legislature had unanimously asked of congress, and he did not suppose there would be a dissenting voice to their adoption in this convention. He did not suppose there would be a single member on this floor that would doubt that they were necessary.

"Mr. Doom said he was heartily in favor of those appropriations. There can be no difference of opinion anywhere about that matter. Everybody acknowledges that they are necessary and there could be no objection to their incorporation into the platform, if we could stop there, but you cannot do it. You could not do it in committee, and if you begin to specify points deserving of appropriations, you will never know where to stop, and when you have got done the chances are ten to one you will have omitted some deserving ones. For this reason, and that we may not be charged with partiality to any section, I have moved a general resolution covering all necessary appropriations as a substitute.

"Dr. Monell. With that understanding I have not the least objection to the amendment, and with the consent of the convention will so modify the resolutions.

"No objection being made, the portions enclosed in brackets were stricken out by the committee.

"As amended, the report was unanimously adopted.

"Mr. Griffen moved that the convention do now proceed to an informal ballot for delegate in congress. Adopted.

"Mr. Dundy moved that three tellers be appointed by the chair.

"The chair named Messrs. Dundy, of Richardson, Griffen of Douglas, and Goodwill of Burt.

reported by G. C. Monell[1] of Douglas county endorsed the nomination of Lincoln and Hamlin for president and vice-president; declared in favor of a homestead bill, and of a bill giving the school commissioner of the territory the right to lease the school lands; favored appropriations by Congress for completing the capitol, for building a penitentiary at Bellevue, for building a government road from Nebraska City to Ft. Kearney, for bridging the Platte at a point on the direct line of communication between Nebraska City and Omaha; declared that increased population in the mining regions and the resulting immense travel along the Platte valley demanded a Pacific railway; denounced the appointment of non-residents to fill the federal offices; and declared that the anti-slavery bill passed by the last legislature "was demanded by the continued attempt of slavery propagandists to establish the institution in this free territory." The demand of the address of

"First Ballot—Samuel G. Daily, 15; John M. Thayer, 13; William H. Taylor, 14; Turner M. Marquett, 7; John Taffe, 1; John H. Sahler, 3; Oliver P. Mason, 1.

"Second Ballot—Daily, 15; Thayer, 17; Taylor, 14; Marquett, 8.

"Third Ballot—Daily, 18; Thayer, 16; Taylor, 12; Marquett, 8.

"Fourth Ballot—Daily, 17; Thayer, 17; Taylor, 12; Mason, 1; Marquett, 7.

"Fifth Ballot—Daily, 18; Thayer, 19; Taylor, 11; Marquett, 6.

"Mr. Allan of Sarpy, moved a recess till 7 o'clock. Adopted.

"EVENING SESSION

"At 7 o'clock the convention was called to order, and on motion proceeded to the

"Sixth Ballot—Daily, 24; Taylor, 11; Thayer, 14; Taffe, 5.

"Seventh Ballot—Daily, 25; Taylor, 11; Thayer, 13; Taffe, 5.

"Eighth Ballot—Daily, 26; Taylor, 10; Thayer, 14; Taffe, 4.

"Ninth Ballot—Daily, 27; Taylor, 10; Thayer, 13; Taffe, 4.

"Mr. Sweet, of Otoe, said it was apparent now where the choice of the convention would fall, and for the purpose of bringing about a harmonious nomination, he moved a recess of half an hour, to allow the Otoe delegation to consult. If this motion prevailed, he had no doubt when they returned they would so act as to avoid the necessity for further ballotings.—(Cheers).

"The motion was unanimously adopted, and the convention took a recess.

"At the expiration of half an hour the convention was called to order by the chair and on motion proceeded to the

"Tenth Ballot—Daily, 28; Thayer, 14; Taylor, 10.

"When, during the last ballot, Otoe county was called, a delegate from that county said but two members of the delegation had returned to the hall and asked that they be allowed to cast the whole vote of the county, which was agreed to.

"While the tellers were canvassing the votes, the delegation from Otoe county returned to the hall, and when it was announced that Mr. Daily had a majority of all the votes, Mr. Matthias, on behalf of the Otoe delegation moved that the nomination be unanimous and that the vote be taken by giving three cheers for the ticket.

"The question was put and the response was three rousing cheers.

"The convention was then addressed by Messrs. Daily, Thayer, Taylor, Taffe, and others, notices of which appear elsewhere in our columns.

"Mr. Sweet, of Otoe, moved that one member, who should be chairman of the territorial central committee, be added to that committee, and that he be appointed by the president of this convention. Adopted.

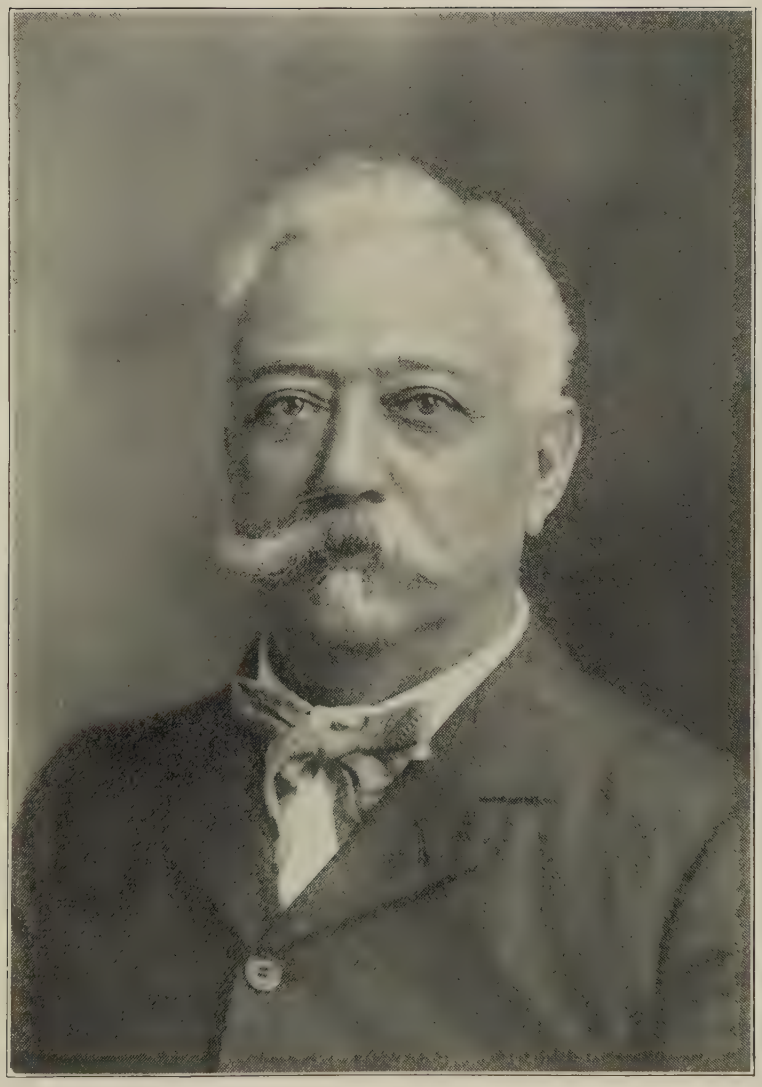
"The president said he would announce the appointment through the public press.

"On motion of Mr. Tipton, of Nemaha, the following resolution, as an additional plank to the platform was adopted:

"'Resolved, That the character of the frauds enacted against the republicans in the last delegate election, was only limited by the capacity of the perpetrators for infamy, and that congress and our delegate, in exposing those frauds and vindicating our rights, have merited our gratitude and admiration.'

"Mr. Dawson, of Otoe moved a resolution of thanks to the president and secretaries of the convention, after the adoption of which the convention adjourned, with three cheers for Lincoln and Hamlin."

[1]Dr. Gilbert C. Monell was born in Montgomery, New York, October 20, 1816, and graduated at Union college at the age of nineteen. He was married in 1836 to Lucinda Carpenter. He followed the practice of medicine for twenty years in the East, and settled in Omaha in 1857, after which he continued to practice until about 1870. In 1857 he was associated with his son, John J. Monell, in the banking and real estate business in Omaha. In 1859 he was associated with William N. Byers and Thomas Gibson in founding the Rocky Mountain *News* at Denver. He was a member of the executive committee of the first board of trustees of the Institute for the Deaf and Dumb at Omaha which was conducted for two years as a private institution. He succeeded Edward F. Schneider and Harrison J. Brown as proprietor of the Omaha *Republican*, but sold it in August, 1859, to Edward D. Webster. The same year he was a member of the city council of Omaha and of the school board which inaugurated the Omaha public school system in 1859. He was a charter member of the Omaha medical society, organized August 1, 1866, and was one of the incorporators and a member of the first board of trustees of Brownell Hall, established in 1868. He was active in the organization of the Union Pacific railroad company, and sold to that company the Herndon House, to be used as a headquarters building. Two children were born to Dr. and Mrs. Monell: John J. Monell and Mrs. Phineas W. Hitchcock, both deceased. His declining years were devoted to literary pursuits. He died very suddenly September 29, 1881.



Victor Vifquain

Alfred Conkling, chairman of the republican committee, for sober men in office, was not uncalled for, and is suggestive of a marked phase of social conditions of that time.[1]

The Democratic convention was held at Omaha on the 15th of August. A. J. Hanscom of Douglas county was temporary chairman and Mills S. Reeves of Otoe county was permanent president. J. M. Woolworth, chairman of the committee on credentials, incorporated in his report this interesting statement: "Your committee find that Victor Vifquain[2] holds a certificate of election as a delegate to this convention from said county

[1] Omaha *Republican*, September 26, 1860.

[2] General Victor Vifquain was born in Brussels, Belgium, May 20, 1836. His father, John B. Vifquain, was a native of Belgium, dying in his native country in 1854. His mother, Isabelle deVuyst Vifquain, was also a native of Belgium, dying there in 1877. The elder Vifquain was an inspector general of highways and bridges in Belgium, and in 1836 built the first railroad in Europe, from Brussels to Liege; also the canal of Charleroy in Belgium, the first in the kingdom. He was also the engineer and constructor of other works still extant. Because of his ability as a civil engineer he was decorated with many European orders. Victor Vifquain received a military education in a military academy of his native town, and graduated as a second lieutenant of cavalry. Early in life he determined to make his home in America, and May 1, 1858, he arrived in Nebraska, and settled on a tract of unsurveyed land in Saline county, on the West Blue river. He farmed upon this "squatted" land until the war broke out in 1861, and then hurried east and enlisted in the 53d New York as a private, and was mustered out with the regiment eight months later with the rank of adjutant. Immediately after, he and three other former officers of the 53d New York regiment went to Richmond for the purpose of kidnaping Jefferson Davis. The account of the venture may be found in General Vifquain's book, "To Capture Jefferson Davis." After the failure of the enterprise he returned to Washington in June, 1862, and was sent to Illinois by Secretary Stanton, who gave him a letter to Governor Yates, then engaged in raising forty new regiments for the field. On the day that he delivered the letter to Governor Yates, he was appointed adjutant of the 97th regiment Illinois volunteers. The merits of the young soldier were quickly demonstrated. He was soon colonel of his regiment, and for meritorious and gallant service was breveted major, lieutenant-colonel, colonel and brigadier-general by President Lincoln. While the war was in progress he was awarded a medal of honor by the Congress of the United States, a rare distinction. He is the only Nebraskan who was ever thus honored. Major General E. R. S. Canby, under orders from the secretary of war to recommend two officers of his command as field officers in the regular army, recommended General Vifquain for a lieutenant-colonelcy, but being already a colonel and brevet brigadier-general, he refused to step down in rank. Afterwards he was appointed by General Canby United States commissioner to receive the parole of General Kirby Smith's army at Natchitoches, Louisiana. This special duty completed, he rejoined his command at Brownville, on the Rio Grande, Texas, ready to move into Mexico under Sheridan. He was mustered out in October, 1865, at Springfield, Illinois. During his service in the army he participated in many engagements. He went to Hatteras and Roanoke with Burnside, took part in the Crab Orchard campaign, was at Chickasaw Bluffs, Arkansas Post, Yazoo, Grand Gulf, Port Gibson, Raymond, Champion Hills, Black River Bridge, Siege of Vicksburg, Jackson, Carrion Crow, Red River, Atchafalaya, Honey Hill, Blakeley, Mobile, and Marion Junction. The engagement last named took place May 1, 1865, when General Vifquain, with two regiments under his command, participated in what was probably the last skirmish of the war. He had been sent there to capture Jefferson Davis, who was supposed to be on board a train en route to Texas. The train was captured but Davis was not a passenger. On the way to capture the train the brigade was set upon by some militia, which was soon and easily dispersed. During the excitement caused by President Cleveland's order to return captured confederate battle-flags, the Chicago *Times* printed the following succinct account of how General Vifquain earned the medal of honor voted to him by Congress: "Colonel Vifquain, of the 97th Illinois, performed a valiant deed at Blakeley, near Mobile, in taking the works on April 9, 1865. He jumped on the shoulder of the parapet; the foe could see him from his knees up. He quietly drew his sword and allowed the rebel skirmishers to empty their guns at him, and then gave the command, 'Forward, Ninety-seventh! Charge!' Before the enemy could reload their guns his soldiers were upon them, rolling down the hill like an avalanche and up the other side with great force. Vifquain made for the battle-flag on the works, with the color company right upon his heels. While he cut the halliard of the rebel standard with his sword and was in the act of pulling it down, his color-bearer planted the Union standard by his side. For a second or two Vifquain was hidden by the folds of the victorious banner mingling with the colors of the enemy. The color-bearer was killed on the spot. General Canby that same evening sent Colonel Vifquain a note in pencil which read as follows: 'Dear Colonel—Thank you, and may God bless you and your brave boys. E. R. S. Canby.'" During the Spanish-American war, while General Vifquain was lieutenant-colonel of the 3d Nebraska regiment, the Opelousas (Louisiana) *Courier* published the following short account of how General Vifquain saved a piece of artillery: "It was November 3, 1863, at the battle of Carrion Crow, Louisiana; Vifquain was then acting inspector-general on Burbridge's staff. The confederate General Greene had made it very warm for them, and a gun was well nigh captured. The horses had been killed. Vifquain had his horse hitched to one side of the gun, and then had men of the 23d Wisconsin tug away on the other side. Vifquain mounted his steed and off they went with the gun, the confederates not fifty yards away and firing like blazes. It was a miracle he was not killed, but he was not even wounded, though his horse was hit several times." As soon as he was mustered out of the union army General Vifquain returned to his home on the Blue river in Nebraska, and immediately began his work of helping to build up the new commonwealth. He farmed his land, but he never was too busy to assist others in locating. For a number

[Saline] and report the matter to the convention without recommendation." This was the first introduction of General Vifquain into the politics of the commonwealth, in which for more than forty years he was an important and interesting figure. On his admission as a delegate Mr. Vifquain made a speech whose brevity was equaled only by its patriotism, quite characteristic of the speaker:

"*Gentlemen of the convention, and fellow democrats:*

"I thank you in the name of the democrats in my own county for the resolution taken in reference to Saline county.

"It is not necessary for a Frenchman to promise fidelity to the stars and stripes—Lafayette's memory and the French blood spilled for the independence of this beautiful country is a guarantee of it. I swear to the democrats fidelity and devotion until death."[1]

On the 11th of August the *News* acknowledges a call from "Victor Vifquain, Esq., an enterprising and intelligent Frenchman who resides at Beranger on the Blue, seventy-five miles west of this city. Last fall his county polled sixteen votes, every one of which was for the entire democratic ticket." General Vifquain's oath of fidelity to his party was kept during the intervening forty years "until death," without swerving so much as a hair's breadth. J. Sterling Morton was nominated for delegate for Congress on the fourth formal ballot. The other principal competitors for the nomination were A. J. Poppleton, S. A. Strickland, Stephen Decatur, and J. F. Kinney. Judge Eleazer Wakeley received 15 votes on the informal ballot, but he then immediately withdrew his name from further consideration. Judge Kinney also notified the convention that, owing to the fact that he had recently been appointed chief justice of the supreme court of Utah, he could not become a candidate; but he received 15 votes on the last ballot.[2]

Mr. Poppleton evidently transferred his strength to Morton on the decisive ballot; and it is interesting to observe this evidence

of years he spent most of his time bringing settlers into the Republican valley and locating them upon choice farms. Many of the best citizens of Nebraska owe to General Vifquain their good fortune in being settled upon splendid farms. All this work was done at his own expense, his satisfaction in helping to develop what he knew would in the near future be a great state being his only reward. General Vifquain went into the war a democrat and remained an enthusiastic and tireless democrat till his death. In 1867 he was the democratic candidate for Congress in the 4th district. In 1871 he was elected from Saline county as a member of the state constitutional convention. In 1879 he established the Daily State *Democrat* at Lincoln, and it soon became one of the most widely known daily newspapers in the West. It was a strong anti-monopoly organ, and under the able editorship of General Vifquain led the anti-monopoly forces of the state. In 1886 he was sent to Barranquilla as consul by President Cleveland; and he was promoted to the consulate at Colon in 1888. In 1890 he was retired against Secretary Blaine's personal wishes. January 9, 1891, he was appointed adjutant general of Nebraska by Governor Boyd. In 1893 he was appointed consul general to Panama by President Cleveland, serving until October, 1897. While in charge of the American consulate in Columbia General Vifquain rendered good service to a number of subjects of China, who were in care of the American consulate. For this service he was decorated with the order of the Double Dragon by the Emperor of China. In May, 1898, General Vifquain joined the 3d Nebraska regiment and was commissioned lieutenant-colonel. When Colonel Bryan resigned he became colonel of the regiment and went with it to Cuba. He was mustered out with the regiment in May, 1899. September 1, 1857, General Vifquain was married, in Missouri, to Miss Caroline Venlemans, a native of Louisiana. To them eight children were born, five boys and three girls. All of them were born upon the farm in Saline county, and all, save a daughter, Carrie M., and a son, Victor E., are living. The daughter died at the consulate in Panama. Before dying she asked her father that her body be taken back to Nebraska, and when General Vifquain returned to his home in this state he brought with him the remains of his loved one. The living children are: Elmer F., Springview, Nebraska; Theresa Isabelle, Lincoln, Nebraska; John B., Bennett, Nebraska; Blakely M., Lincoln, Nebraska; Charles J., Dawson City, Alaska; and Josephine G., Lincoln, Nebraska. General Vifquain was a strong and virile writer on social and political subjects. His contribution to the material welfare of Nebraska was invaluable. He died at his home in Lincoln, Nebraska, January 7, 1904.

[1] Nebraska City *News*, August 25, 1860.

[2] DEMOCRATIC TERRITORIAL CONVENTION OF 1860

(Omaha *Nebraskian*, August 18, 1860)

"Pursuant to call, the democracy of the territory assembled at Omaha on Wednesday, Aug. 15th, 1860, at 10 o'clock A. M.

"Silas A. Strickland called the convention to order, and nominated Andrew J. Hanscom as chairman pro tem. Nomination seconded and ratified by convention.

"On taking the chair, Mr. Hanscom thanked the convention for the honor conferred and would try to discharge the duties devolving upon him in the preliminary organization in such manner as to give satisfaction to all.

"On motion, Merrill H. Clark and Dr. Jetus R. Conkling were chosen temporary secretaries.

"Mr. Woolworth moved the appointment of a committee of five on credentials. Carried. Messrs.

of the early friendship of these two eminent citizens of Nebraska, which lasted to the end of Poppleton's life. At the ratification meeting at Nebraska City, says the chronicler of the event, "Mr. Poppleton commenced with a most feeling and eloquent eulogy of the many traits of character developed in Mr. Morton—that he had known Morton from the time they were school boys together; and he was proud to follow so gallant and noble a

---

Woolworth of Douglas, Beall of Washington, Doom of Cass, Campbell of Otoe, Henry of Kearney, were appointed said committee.

"Mr. Blackman moved a call of the counties, and that the delegates hand in their credentials to the chairman of said committee. Motion carried.

"On motion of Mr. Armstrong, convention took a recess of half an hour.

"12 o'clock M.

"Convention again called to order, Mr. Hanscom in the chair.

"Mr. Woolworth, chairman of the committee on credentials, made the following report:

"'We, the committee on credentials, would most respectfully report that the following gentlemen are duly elected delegates to this convention, and authorized to cast the votes of their respective counties, viz: Otoe county, George G. Gillette, Mills S. Reeves, John Boulware, Harvey C. Blackman, Dr. John C. Campbell, Isaac L. Gibbs, John H. Maxon, Henry R. Newcomb, John Melvin; Burt county, Silas T. Leaming, Dr. Jetus R. Conkling; Kearney county, Dr. Charles A. Henry, Joseph E. Johnson; Dixon county, Daniel McLaughlin as substitute of Leander Davis; Dakota county, Daniel McLaughlin, James W. Virtue, by proxy of Joseph Brannan, William C. McBeath; Sarpy county, Richard Kimball, David A. Logan, S. H. Freeman, Silas A. Strickland; Platte county, William G. Hollins; Dodge county, Thomas Fitzsimmons; Richardson county, Houston Nuckolls, William T. Morris, William C. Fleming, Asa M. Acton; Douglas county, Andrew J. Hanscom, George Armstrong, Merrill H. Clark, Andrew J. Critchfield, William A. Little, John McConihe, Joseph H. Millard, Thomas Davis, James M. Woolworth; Johnson, Clay and Gage counties, Phillip K. Riley, Thomas Graham; Washington county, Roger T. Beall, Oliver W. Thomas, Elias H. Clark, William Kline; Nemaha county, Samuel Lepper, George W. Crow, John Crim, Richard Brown, Henry M. Atkinson; Cedar county, Barnabas Bates; Cass county, Robert G. Doom, Justus L. Cozad, Jeremiah S. Carr, Jonathan N. Wise, Wheatley Mickelwait, Archibald H. Argyle; Lancaster county, John P. Loder; Saline county: Your committee find that Victor Vifquain holds a certificate of election as a delegate to this convention from said county, and report the matter to the convention without recommendation. Jones county: Your committee find that Charles Pierce holds the certificate from said county, which is reported back to the convention without recommendation.

"'JAMES M. WOOLWORTH,
"'*Chairman.*'

"Report was accepted, and on motion of Mr. McConihe, adopted. Mr. Armstrong moved the appointment of a committee of five to report permanent officers. Carried.

"Armstrong of Douglas, Maxon of Otoe, McLaughlin of Dakota, Crow of Nemaha, and Nuckolls of Richardson.

"Mr. Doom of Cass, moved that the delegates present be permitted to cast the full vote of their respective districts. Carried.

"Mr. Strickland moved that the rules of the last House of Representatives be adopted for the government of the convention. Carried.

"The committee on permanent organization reported as follows: For president, Mills S. Reeves, of Otoe; vice-presidents, William C. McBeath of Dakota, Wheatley Micklewait of Cass, and William T. Morris, of Richardson; secretaries, Merrill H. Clark of Douglas, Roger T. Beall of Washington. Report adopted.

"On taking the chair, Mr. Reeves said:

"'Gentlemen of the Convention: I return to you my sincere and heartfelt thanks for the honor you have conferred upon me. I see around me many gentlemen who are better parliamentarians than myself, and who could conduct your deliberations much better than I can hope to. You have adopted the rules of the House of Representatives, under which I never acted; but I indulge the hope that what I may lack in judgment will be made up in good feeling, friendship and charity. We have but to perform the highest duty which devolves upon the democracy of the territory. If we be true to ourselves, we shall nominate such a candidate as will vanquish our common enemy, the republican party, which is a sectional party, a party which advocates principles dangerous to our liberties. (Cheers). Be harmonious and forbearing, and let us banish all sectionalism from our deliberations. (Applause). In the language of one wiser than myself—

"'"Now is the time of all others when democrats should
Go call their sons, instruct them what a debt
They owe their ancestors, and make them swear to pay it,
By transmitting down entire
Those sacred rights to which themselves were born."'

"Mr. McConihe moved the appointment of a committee of five to prepare a platform and resolutions for the convention. Carried, and

"Messrs. McConihe, Blackman, Doom, Atkinson and Rilev were appointed.

"Mr. Beall, declined serving as one of the secretaries, and Mr. Nuckolls of Richardson, was substituted in his place.

"On motion the convention took a recess till 2 o'clock.

"AFTERNOON SESSION

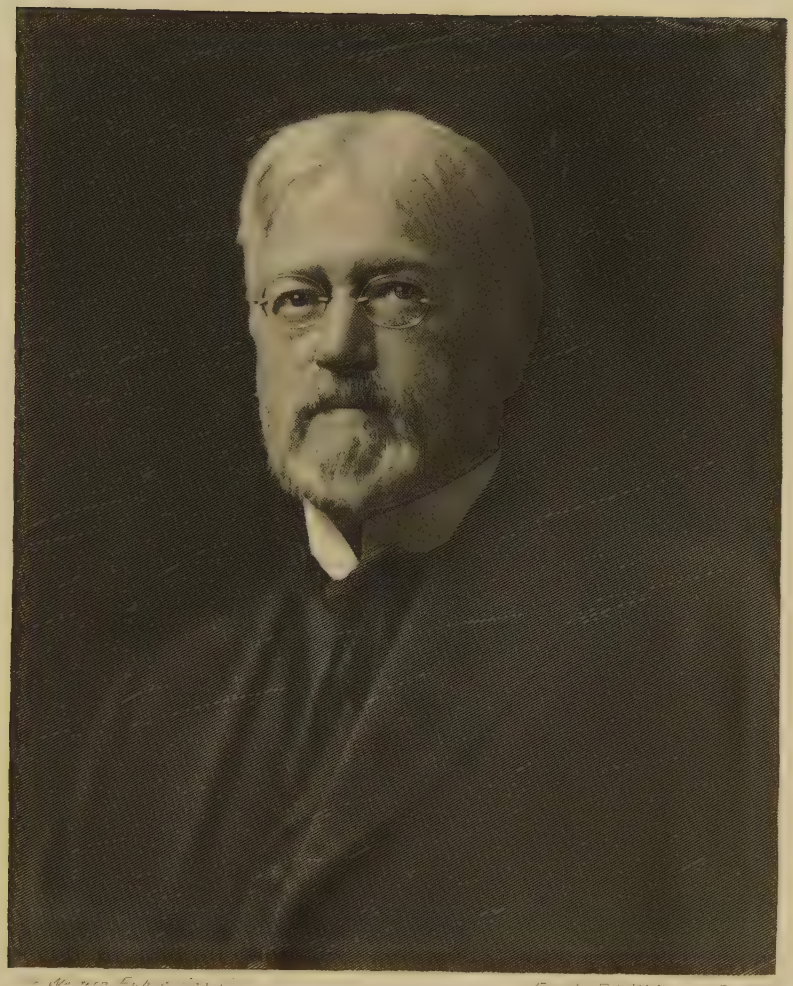
"2:30 P. M.

"Convention called to order by the chairman.

"Mr. McConihe, chairman of committee on platform, reported as follows:

"'Whereas, We the people of Nebraska have no voice in the election of a president of the United States, and whereas our own material interests alone are of sufficient magnitude and importance to command and employ all of our best energies, Therefore be it

"'Resolved, That we, the democracy of Nebraska, recognize that political party which was formed by Thomas Jefferson, and from that day to the present has carried the country forward to an unprecedented degree of prosperity; and while we recognize the constitutional rights of all sections of our common



James M. Woolworth

leader in the present canvass." But ruinous factional strife was not wanting. "The little squad of Douglasites of this city" dominated the convention, and Morton was thrust down the throat of Governor Black as the bitterest pill for him to be found, and then, to meet

union, and of all democrats to independence of opinion on local questions, we believe that the northwest, which is fast becoming the seat of empire, is peculiarly entitled to the fostering care of the federal government, and that we do not recognize any division as existing in the democratic party of Nebraska, and that we cordially invite all to join us who feel an interest in the welfare and prosperity of our territory.

"'Resolved, That we are in favor of making Nebraska a free state, and that we hereby pledge the democratic party of this territory to oppose the establishment of the institution of slavery in the future state of Nebraska by a constitutional prohibition.

"'Resolved, That the appropriation of money by congress to build a penitentiary where located by the legislature of Nebraska, and complete the territorial capitol, to build a government road, and bridge the streams from Fort Kearney on the south side of the Platte east on the most practicable route to the nearest point on the Missouri river, to establish a military road and bridge the streams from the Kansas line north along the Missouri river, to bridge the Platte river where said road intersects the military road on the north side of the Platte, to build a bridge over the Loup Fork, and over the Platte river at or near Fort Kearney, and that we are in favor of these appropriations regardless of the political ascendancy of any party, and for such other appropriations as shall from time to time be deemed necessary for the furtherance of our material prosperity.

"'Resolved, That we are in favor of a free homestead of 160 acres to the bona fide settler upon the public lands, and the passage of such an act by congress as will give the claimant a complete title within the space of three years.

"'Resolved, That we pledge ourselves to use all honorable means to obtain an appropriation from congress to be expended in a geological survey of our territory, which is imperatively demanded at this time, and which would more surely establish the mineral wealth and resources of Nebraska.

"'Resolved, That it is no more than just and right that the settler, who has endured the privations and dangers of pioneer life, and who has suffered loss from the depredations of the Indians, and more especially from the Pawnee tribe, should be fully indemnified against such loss, and that we pledge ourselves to use all honorable means to have the same speedily acted upon by the government, and a settlement had with the sufferers from such excesses of the Indians without further delay; and that such means as are necessary to hereafter restrain the Indians from pillaging and annoying the inhabitants should be adopted by the general government.

"'Resolved, That we are in favor of a grant of land for the construction of a Pacific railroad, having its eastern terminus at or near Fort Kearney, with four branches from that point to the Missouri river—the routes from Fort Kearney east to be fixed by the legislative assembly of the territory.

"'Resolved, That we will demand of congress a grant of land to establish a university in Nebraska, and that said university should be established in Cass county, as the most central point in the territory.

"'Resolved, That we demand of the candidate nominated by this convention to pledge himself here and before the people at large to carry out the true intent and meaning of the foregoing resolutions.'

"On motion of Mr. Armstrong, the resolutions were adopted entire.

"On motion of Mr. Riley, Mr. Vifquain was admitted as a delegate from Saline county. Mr. V. expressed his thanks to the convention in a few appropriate words by letter.

"Mr. Gibbs moved that the convention proceed to an informal vote for delegate in congress, and that the vote be taken viva voce. Carried.

"The informal vote resulted as follows: J. Sterling Morton, 9; Eleazer Wakeley, 12; Andrew J. Poppleton, 9; James R. Porter, 7; William E. Moore, 3; George H. Nixon, 5; William W. Dennison, 7; Silas A. Strickland, 4.

"The following letter was presented by Mr. McLaughlin, and read to the convention amid much applause:

"'Omaha, Aug. 15, 1860.

"'To the President of the Democratic Convention—Sir: I have been named by friends as a candidate for nomination by this convention, as delegate to congress. My own wishes and personal interests, together with considerations of a higher nature, which I cannot disregard, forbid me to seek or to accept the position of a candidate, in any contingency.

"'The welfare of this territory, transcending all party interests, will demand the success of your nominee. I invoke an earnest and sincere effort by the assembled delegates to choose from the number of true and able men whose names will be presented, one which will meet the approval of the democracy, and the respect of all parties.

"'E. WAKELEY.'

"Mr. Armstrong moved to proceed to the first formal viva voce vote. Carried.

"The vote resulted as follows: J. Sterling Morton, 14; William E. Moore, 4; Silas A. Strickland, 4; James R. Porter, 7; Andrew J. Poppleton, 9; George B. Graff, 11; William W. Dennison, 7.

"Convention took a second vote, with the following result: Morton, 14; Decatur, 10; Strickland, 4; Moore, 4; Dennison, 7; Porter, 7; Poppleton, 9.

"The third regular vote resulted as follows: Morton, 16; Strickland, 15; Moore, 6; Dennison, 7; Poppleton, 12.

"The fourth ballot resulted as follows: J. Sterling Morton, 31; William E. Moore, 3; William W. Dennison, 7; John F. Kinney, 15.

"On motion of Mr. Strickland, the nomination of J. Sterling Morton was made unanimous.

"Messrs. Armstrong, Campbell and Little were appointed a committee to inform Mr. Morton of his nomination.

"Mr. Morton appeared on the stand, and accepted the nomination in a very handsome and appropriate speech, which was received with the greatest enthusiasm.

"Mr. Morton was followed by Messrs. Poppleton, Strickland, Moore, Judge Wakeley, Doom and others, in a few eloquent remarks, enthusiastically endorsing the nomination.

"Mr. Blackman of Otoe presented the following letter from Hon. John F. Kinney, declining to be considered as a candidate before the convention.

this inconsistency, they wanted to lay Morton, also an administration office-holder, up to dry, too.[1] In the hearing of the Morton-Daily contest Morton threw a ray of light on this subject:

"I will state in reply to the statement that Colonel Black awarded a certificate to a political opponent, that in that election Colonel Black and every appointee of that administration, with one exception, sustained Daily, either by voting for him or by working for him, or by refraining from working for me. . . . Governor Black did make two speeches for me in this way: In endorsing the Buchanan platform and the veto message prohibiting slavery in the territory, which was the burden of his speech; at the end he also said: 'I endorse Mr. Morton as the candidate of the party, although he is not such a democrat as I can heartily support.'"[2]

It was charged against Black that he did everything in his power to defeat Morton—worked, spent money, and voted against him.[3] On the other hand it was insisted that the Douglas democrats were slighted in the convention and that the Buchanan-Breckinridge faction dictated its proceedings;[4] but the skill with which Morton steered between the factional rocks and over the factional rapids was conceded.[5] Dr. B. P. Rankin, in a speech at Nebraska City, refused to support Morton for Congress, and asserted that in the legislature, in 1857, Morton did all he could to kill his resolution eulogizing Douglas as the champion of popular sovereignty and called him a Douglas democrat as an epithet. Rankin also complained that Morton kept on drawing his salary of $2,000 under Buchanan while he pretended to support Douglas.[6]

---

Ordered to be published in the proceedings of the convention:

"'Nebraska City, August 14, 1860.

"'To the President of the Democratic Convention—

"'Sir: As friends in the different parts of the territory, actuated perhaps by too great a degree of partiality, have seen proper to make mention of my name in connection with the nomination for congress, I deem it but due and proper to state I am not a candidate before your convention.

"'Honored a short time since, with a commission as chief justice of the supreme court of a distant territory, as unexpected as it certainly was unsolicited, fairness to others, and self-respect alike, forbid that I should retain it, and aspire to be made delegate at home; and whatever might have been my inclinations for the latter, owing to the peculiar troubles which seem to have surrounded the judiciary of late in Utah, with some experience there a few years ago in the same capacity, duty seemed to require me to accept the place so unexpectedly tendered. This determination I announced in private circles here, as I did publicly at the late democratic meeting in this place. I cannot but feel a deep anxiety for the result of your deliberations. Nebraska is and will remain my home, and I regret that my temporary absence will prevent me from bearing an humble part in the coming struggle for the supremacy of sound national democratic principles.

"'Trusting that wise counsels will prevail, and that the wisdom of the convention will result in the choice of one who will not be governed by any sectional or local prejudices, but who, if elected, will represent the entire territory, with all its varied interests.

"'Cordially thanking my friends for their kind mention of my name, and with great confidence in the triumph of the democratic party in Nebraska, I remain

"'Respectfully yours,

"'J. F. KINNEY.'

"Mr. Gibbs, of Otoe, offered the following resolution, which on motion, was adopted:

"'Resolved, That the territorial central committee shall consist for the future of thirteen members, to be apportioned in conformity with the representation in the council of the territorial assembly, and that five members thereof shall constitute a quorum for the transaction of business.'

"Mr. McConihe moved that each Council district hand in the names of members of the committee to the secretary.

"The following gentlemen were selected as such committee: Douglas county, George Armstrong, Theodore H. Robertson, John McConihe; Otoe county, Mills S. Reeves, Isaac L. Gibbs; Sarpy county, John Q. Goss; Richardson county, William C. Fleming; Nemaha county, Henry M. Atkinson; Cass county, James R. Porter; Platte, Hall, Buffalo, Kearney and Shorter counties, Charles McDonald; Washington county, Edwin A. Allen; Dakota county, Daniel McLaughlin; Burt, Washington and Sarpy counties, Dr. Jetus R. Conkling.

"Mr. Armstrong, of Douglas presented the following resolution which after being read, was adopted:

"'Resolved, That the territorial central committee be and they are hereby instructed in calling future conventions, to base the apportionment of delegates to the same upon the census returns of 1860.'

"On motion of John McConihe, the thanks of the convention were tendered to the chairman for the able and impartial manner in which he had presided over the deliberations of the convention, and to the secretaries in the dispatch of business before it.

"On motion the thanks of the convention were tendered to Gov. O. D. Richardson for the use of the hall.

"On motion the convention adjourned.

"MILLS S. REEVES, *Chairman.*

"Merrill H. Clark, } Secretaries."
"Houston Nuckolls, }

[1] Omaha *Republican*, August 15, 1860.

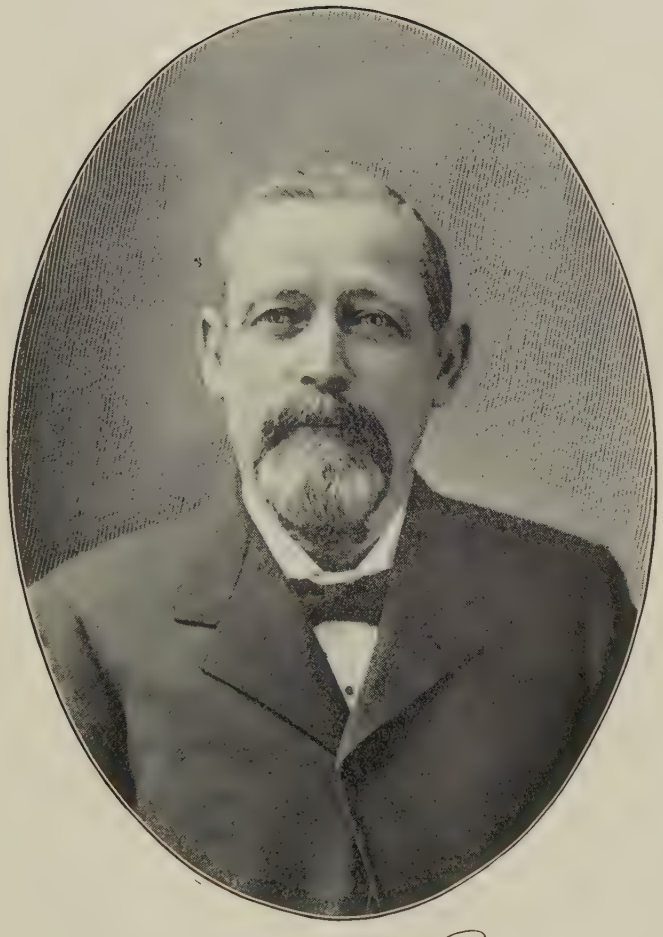
[2] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 1997.

[3] Nebraska City *News*, A. F. Harvey, editor, May 24, 1862.

[4] Nebraska *Advertiser*, August 23, 1860.

[5] *Peoples Press*, September 20, 1860.

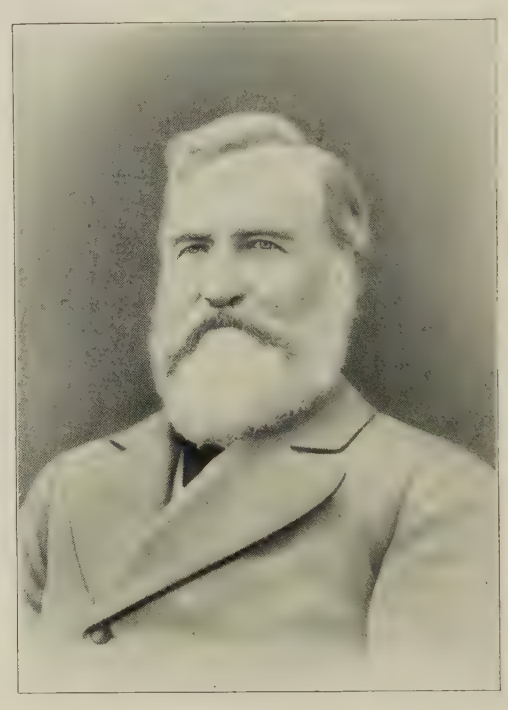
[6] Ibid., September 13, 1860.



James Welch

Resolutions of both party conventions favored internal improvements in substantially similar terms, but the democratic resolution specifically asked for a grant of land to build a Pacific railroad, having its eastern terminus at or near Ft. Kearney with four branches from that point to the Missouri river, the territorial legislature to select the routes. The convention also pledged itself to demand "a grant of land to establish a university in Nebraska, and that said university should be established in Cass county, as the most central point in the territory."

The attitude of the convention toward national questions was both discreet and wise. After the preamble, which vainly recited that the people of Nebraska had no voice in the election of a president and that their own interests demanded their energies, the convention pointed to "the unprecedented degree of prosperity" to which the party of Thomas Jefferson had carried the country, and then frankly and unequivocally pledged the party to make Nebraska a free state. The political attitude of the two parties is now reversed, the republicans for the first time acknowledging and marching aggressively under their national standard, the democrats somewhat evasive of national, and emphasizing local issues. The Omaha *Nebraskian,* one of the two leading democratic organs of the territory, had insisted, as early as January 14 of this year, that, "until an all-wise Providence shall remove Nebraska four or five degrees further south slave labor cannot be profitably employed in this territory. We venture to predict that when a convention shall assemble to frame a constitution for this state of Nebraska not a delegate will vote for a slavery constitution." As we have seen, this assertion was vindicated by the declaration in the party platform in the fall of this year; and it is significant as showing the determination of the democrats—even though it may not have reflected their independent anti-slavery feeling—to acquiesce in the prevailing sentiment of the northwest, before the country had come to the final parting of the ways in the national election of that year.



STEPHEN DECATUR, NEBRASKA PIONEER
For biography see foot-note p. 167

Even the democratic organ of the North Platte presented the standard-bearer and the situation in this light:

"Mr. Morton, the nominee, is well, and we may add, very favorably known to Nebraska. He has been identified with the interests of the territory ever since its organization, and during the last two years has acquired no little celebrity as the faithful, efficient and untiring secretary of Nebraska. Endowed with fine talents and possessed of a liberal education, with a pleasing address, and those better qualities of the heart that draw around him hosts of friends, none can deny his fitness for the high position assigned him by his party. Probably no man in Nebraska is so cordially hated and feared by the small coterie of rascals that prowl around certain localities of this territory, as J. Sterling Morton. Daily and his coadjutors are particularly bitter against him. The members of that little cabal of spoils hunters, have made sundry and sweeping charges against him, as disbursing officer of Nebraska. The democracy of Nebraska have taken up the gauntlet thus thrown down by Daily and his toadies, and avow their confidence in the integrity of the man so grossly assailed. Mr. Morton, too, has always been known as an earnest friend to appropriations for the various purposes mentioned elsewhere in this paper. Daily is known to be as decidedly opposed to those appropriations. The issue is therefore made

up, and the canvass may be regarded as begun."[1]

Morton's home paper presented a picture of the man, and aimed to restrict the issues:

"Hon. J. Sterling Morton, democratic candidate for delegate in congress, is a pioneer squatter, having emigrated to the territory in 1854. His interests are all here. For six years his best energies, his time and his talents have been devoted to the development of the material interests and resources of Nebraska territory. His has been the strong arm and the sturdy hand of productive industry. It is instituting no invidious comparisons to say that probably no other man in the territory has done more for the fostering and development of our agricultural resources — the importation of the best and choicest breeds and varieties of stock, &c., &c." . . .

"Not only is Morton as an individual deeply interested in fostering the development of Nebraska and hastening in of the bright future that awaits her—the platform of principles upon which he stands pledges him to use his utmost exertions as the delegate of the people of Nebraska, *irrespective of party*, to secure for the territory, not only all 'needful appropriations,' 'but certain special appropriations, which it is submitted Nebraska stands greatly in need of at this present time. These needful appropriations are specially mentioned in the platform of principles and measures of the democratic party of Nebraska."[2]

ALVIN SAUNDERS
WAR GOVERNOR OF NEBRASKA TERRITORY
MAY 15, 1861, TO FEBRUARY 21, 1867
Engraving from an old daguerreotype taken in the early '50s and now owned by Charles L. Saunders of Omaha

The republican war cry in the campaign was raised against Morton for disregarding the election of Furnas as public printer, for the alleged frauds in the frontier counties in the election of 1859, and against the administration for the veto of the homestead bill—a dangerous question in Nebraska. The republicans also charged that the democrats were responsible for the sale of public lands which forced many of the squatters to pay for them. It was urged that "five per cent a month is the enormous rate of interest paid by hundreds of settlers in Nebraska" for money, "which they were forced to submit to or lose their lands," that Morton petitioned for the sale of the lands, and afterward refused to sign a remonstrance against it;[3] that the enforcement of these sales at a time when settlers could not pay for their land ruined nine-tenths of them;[4] and the bill of particulars specified that the books of the register of deeds of Nemaha, Richardson, and Pawnee counties showed that the enforced land sales had saddled a debt of $43,130 on Nemaha farmers secured by trust deeds on 27,340 acres and drawing interest from 25 to 60 per cent per annum; on Richardson county $25,966.11, 15,102 acres, interest as above; on Pawnee county, $16.103, 6,985 acres, nine-tenths of this drawing 60 per cent, which must be forfeited; total, $85,109.11, at an average rate of 50 per cent, making interest $42,595.[5] To this charge the democrats answered, in plausible palliation, at least, that Judge Holly[6] of Nebraska City, Richard Brown of Brownville, and James Craig of Missouri, all democrats, went to Washington at their own expense and secured the postponement of the sale of lands for a year. It would have taken almost indefinite postponement of the time for payment to avoid inconvenience or hardship, and these extravagant complaints were no doubt largely a partisan afterthought.

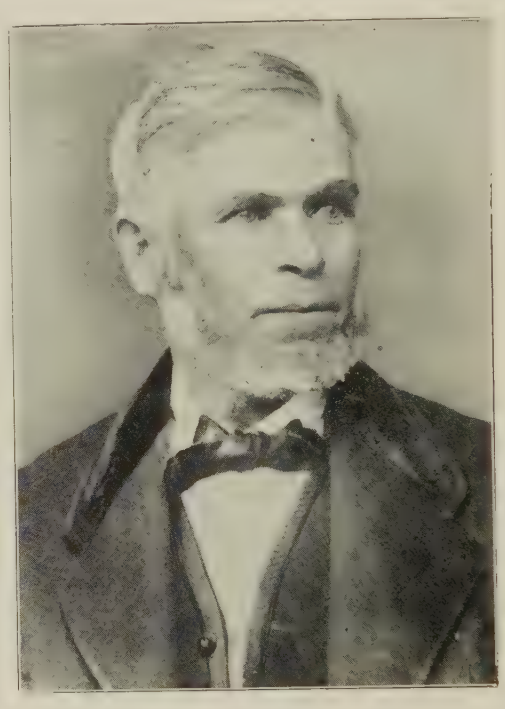
[1] Omaha *Nebraskian*, August 18, 1860.
[2] Nebraska City *News*, August 25, 1860.
[3] Nebraska City *Peoples Press*, October 4, 1860.
[4] Nebraska *Advertiser*, August 9, 1860.
[5] Nebraska *Advertiser*, September 6, 1860.
[6] Charles F. Holly was born in Stanford, Connecticut, September 4, 1819; graduated from Kenyon college, Ohio, in 1838; admitted to the bar in 1840,

Democrats themselves were vexatiously divided upon the slavery question. While most of them were against slavery it was asserted that Governor Black was a Breckinridge democrat, and that in his speeches in the campaign for Morton he advocated letting slavery into all territories and the admission of more slave states.

The republican journals assailed Morton violently, and the completion at this time of the gradual change of the *Advertiser* from a democratic to a republican organ was a serious injury to his cause. Furnas had kept at the head of the editorial columns of the *Advertiser*, during the preceding eight months, the names of Douglas and Andrew Johnson of Tennessee—the latter subsequently nominated for vice-president on the ticket with Lincoln—as his choice for president and vice-president, but after the Charleston convention he withdrew this last pretense of democracy. He assailed Morton with virulence because he had refused to recognize him as public printer in 1858. Notwithstanding that Morton was then as always afterward, too much devoted to his political opinions to sufficiently sacrifice or neglect them for success, his brightness and skill in discussion were already proverbial. "Morton is a pleasant looking, pleasant spoken man—very cautious—always spoke of his opponent as Samuel, or my friend Samuel—would deal heavy blows sometimes, but always dealt them with a smile on his lips—made some awful charges which he must have known were all moon-shine—is as much superior to Estabrook, as the sun is superior to the moon."[1]

But Morton, with his college and urban breeding, was a shining mark for the bucolic wit, humor, and malice of his extreme frontier environment.

"Daily's abolition organ at Nemaha City charges Morton with a fine foppish air. As to Morton's fine foppish air we think it will be taken as a fine joke wherever he is known, and he is known pretty generally throughout the territory. We have seen Morton among his 'Suffolks' when we thought he didn't present a very foppish air. We have seen him making fence, hauling posts, and the like (we believe he is not a rail-splitter) when we have thought his air was very fine but not very foppish. Morton and his family presented rather a humid and humorous air, but not a very foppish one, when, six years ago, they woke up of a morning in their log hut in Nebraska and found the snow on their bed to the depth of twelve inches."[2]



DR. JOHN M'PHERSON[3]

Daily's homely art and artfulness were put to powerful use, and the now thoroughly receptive anti-slavery sentiment in the Northwest lent peculiar force to his assaults on "this yer dimmicratic party" and his uncompromising and ultra-conservative opponent.

In an agreement signed at Beatrice, on the 26th of September, the two candidates agreed to give up discussion at Austin, Clay county,

and the same year removed to Iowa City, Iowa; thence to Savannah, Missouri, in 1842. He settled at Nebraska City in 1854 and began the practice of his profession; removed to Colorado in 1860; to New Mexico in 1868; to New York City in 1870, and returned to Arkman, Colorado, in 1888, where he was practicing law as late as 1892. He brought with him to Nebraska City two slaves known as Uncle Hercules and Aunt Dinah. He was prominent in Oddfellowship and as deputy grand sire instituted the grand lodge of Nebraska, and was its first grand master. (See foot-note, p. 309.)

[1] Correspondence of the Nebraska *Herald* of Nemaha City, a republican paper, quoted in the Nebraska City *News*, September 29, 1860.

[2] Nebraska City *News*, September 8, 1860.

[3] Dr. John McPherson, pioneer of Nemaha county, Nebraska, and founder of Republican City, Harlan

because "we are credibly informed that no audience exceeding six persons can be raised at that place."

The territorial board of canvassers found that of the 5,900 votes cast Morton received 2,957 and Daily 2,943, and they gave the certificate of election to Morton, but through the remarkable action of Governor Black, one of the canvassers, Morton's cup of victory was to be dashed from his very lips.

There is contemporary statement[1] that Buffalo county was unorganized in 1859 and that Butler, Calhoun, Cuming, Izard, Jones, Kearney, Monroe, and Saline counties were unorganized in 1860. As has already been indicated, the application of the term "organization" to these new counties was very indefinite and variable in its meaning.[2] The table of election returns throws some light on their status.[3]

The republicans carried the council 8 to 5, and the house stood republicans 28, democrats 11.[4] But the seat of Asa M. Acton, democrat of Richardson, was contested by E. J. Davenport, and both were excluded.[5] There was a bitter partisan contest for the seat of councilman from Richardson county between Elmer S. Dundy and William C. Fleming.[6] Thayer, republican, voted to oust Dundy, making the vote a tie; but the president of the council

county, was born in Livingston county, New York, December 21, 1818. When a child his parents removed to Huron county, Ohio. Here he received his early education and began the study of medicine, afterwards graduating from the Ohio medical college in 1847. He began practice at Tippecanoe, Ohio, where he was also engaged in manufacturing linseed oil and dealing in lumber. In 1855 he settled in Brownville, Nebraska territory, where he carried on a mercantile business until May, 1877, and from 1863 to 1867 he conducted a steam flour and saw mill in partnership with D. H. McLaughlin. It is claimed that he brought to Brownville the first printing outfit and established the Nebraska *Advertiser* with Robert W. Furnas as editor, but the first number of the *Advertiser*, June 7, 1856, bears the name of Robert W. Furnas as editor and publisher. It is probable, however, that Dr. McPherson at least invested some money in the enterprise. In the spring of 1871, accompanied by his son Charles, he visited the present town site of Republican City, Harlan county, where a town was laid out and preparations commenced for a permanent settlement, after which they returned to Brownville to settle up their business affairs. In the same year, Dr. McPherson opened a general merchandise store at Republican City which he conducted for many years, and in 1872 he removed his mills from Brownville to Republican City, where they were operated for about two years. The first lumber used at Republican City was hauled from Brownville, and within ten days after its arrival the first frame house in Harlan county was built on the town site. Dr. McPherson was a member of the territorial constitutional convention and also of the state constitutional convention of 1875. He was elected to fill an unexpired term in the state senate in 1863. He was married in Miami county, Ohio, in 1845 to Elizabeth Fergus, daughter of General James Fergus. Mrs. McPherson was born in Miami county, O., Apr. 12, 1824, and died in Republican City, Neb., June 11, 1902. Eight children were born to Dr. and Mrs. McPherson, three of whom are living: Charles E., Republican City, Neb., was county treasurer of Harlan county in 1874–75; William J., Hill City, Kan.; and John E., Los Angeles, Cal. Dr. McPherson died at Republican City, Neb., Jan. 3, 1901.

[1] Nebraska *Advertiser*, November 8, 1860.

[2] The case of these counties will be discussed in the account of the Morton-Daily contest.

[3] The following table gives the official vote by counties for the years 1859 and 1860 with calculations of increase and decrease:

| | 1859 | | | 1860 | | | | |
|---|---|---|---|---|---|---|---|---|
| | Daily | Estabrook | Total | Daily | Morton | Total | Increase vote | Decrease vote |
| Buffalo | .... | 292 | 292 | 3 | 39 | 42 | .... | 250 |
| Burt | 35 | 85 | 120 | 38 | 78 | 116 | .... | 4 |
| Butler | 11 | 5 | 16 | .... | .... | .... | .... | 16 |
| Calhoun | 4 | 28 | 32 | .. | ... | .... | .... | 32 |
| Cass | 407 | 233 | 640 | 416 | 276 | 692 | 52 | .... |
| Cedar | 37 | 45 | 82 | 43 | 33 | 76 | .... | 6 |
| Clay | 19 | 2 | 2 | 32 | 10 | 42 | 21 | .... |
| Cuming | 8 | 3 | 11 | .... | .... | ... | .... | 11 |
| Dakota | 85 | 177 | 262 | 94 | 127 | 221 | .... | 41 |
| Dixon | 22 | 68 | 90 | 40 | 40 | 80 | .... | 10 |
| Dodge | 112 | 45 | 157 | 65 | 11 | 76 | .... | 81 |
| Douglas | 404 | 500 | 904 | 332 | 415 | 747 | ... | 157 |
| Gage | 49 | 7 | 56 | 56 | 46 | 102 | 46 | .... |
| Hall | 31 | 3 | 34 | 29 | .... | 29 | .... | 5 |
| Izard | 3 | 21 | 24 | .... | .... | .... | .... | 24 |
| Johnson | 61 | 31 | 92 | 59 | 23 | 82 | .... | 10 |
| Jones | ... | ... | .... | 8 | 34 | 42 | 42 | .... |
| Lancaster | 8 | 8 | 16 | 12 | 10 | 22 | 6 | .... |
| Kearney | .... | .... | .... | 3 | 108 | 111 | 111 | .... |
| L'eau-qui-court | .... | 128 | 128 | 35 | 162 | 197 | 69 | .... |
| Monroe | 11 | 28 | 39 | .... | ... | ... | .. | 39 |
| Nemaha | 368 | 254 | 622 | 445 | 337 | 782 | 160 | .... |
| Otoe | 474 | 483 | 957 | 463 | 438 | 901 | .. | 56 |
| Pawnee | 124 | 22 | 146 | 140 | 40 | 180 | 34 | .... |
| Platte | 19 | 68 | 87 | 48 | 96 | 144 | | 57 |
| Richardson | 251 | 286 | 537 | 295 | 365 | 660 | 123 | .... |
| Saline | .... | 10 | 10 | ... | ... | .. | ... | 10 |
| Sarpy | 131 | 167 | 298 | 124 | 162 | 286 | ... | 12 |
| Washington | 126 | 101 | 227 | 163 | 107 | 270 | 43 | .... |
| | 2800 | 3100 | 5900 | 2943 | 2957 | 5900 | 707 | 821 |

[4] Omaha *Nebraskian*, October 27, 1860.

[5] House Journal, 7th Ter. Sess., pp. 155 and 157.

[6] William C. Fleming served in the house of the territorial assembly during the extra session of 1858, and was elected to the council in 1860, but Dundy was seated. Fleming returned to Indiana in 1861.

gave the casting vote for Dundy and saved him.[1] The democratic organs, the *News* and the *Nebraskian,* attacked Dundy, the man as well as the politician, with a violence which is seldom indulged in by the most yellow journals of the present day. It was the case of the half-breed vote again, and it was alleged[2] that Dundy, acting in the capacity of deputy county clerk, threw out the votes of white men living on the half-breed tract and gave himself the certificate of election; but the part of the charge that Dundy acted as clerk in his own behalf was not well founded. When Secretary Morton came to administer the oath to members of the council, Dundy refused to take it in vindictive and threatening language: "I have often been sworn but have never yet taken an oath. I desire to say to the secretary, that neither he nor any other man, can cram an oath down my throat, so help me God. It is an insult to which I will not submit, and Secretary Morton and his friends and admirers shall find that they cannot insult me with impunity."[3]

Dundy kept his word, as Morton was to realize soon in his congressional contest.

The 7th general assembly convened December 3, 1860. William H. Taylor of Otoe county was chosen president of the council, and Henry W. De Puy of Washington county speaker of the house.[4] Taylor had been a Douglas democrat as lately as two years before that time.[5]

The statute of 1856[6] provided that the governor should apportion the representation for both houses of the general assembly, and the statute of 1858[7] specifically apportioned the members of the house. The organic act made it the duty of the governor to apportion the membership of both houses of the 1st legislature and then provided that "thereafter . . . the apportioning representation in the several counties or districts to the council and house of representatives according to the number of qualified voters shall be prescribed by law." But the governor, presumably under color of the unrepealed part of the act of 1856, attached Johnson to Nemaha for a council district, and Cedar, Dixon, and L'eau-qui-court to Dakota for another council district.[8] In attempting to trace enactments and account for acts of administration one is tempted to designate irregularity of procedure as the genius of those territorial times.

The governor's message was practical, direct, and business-like, the best of his papers in this respect—and its closing appeal, invoking a spirit of devotion to the Union and the Constitution, evinces so clear, deeply patriotic, and sympathetic a conception of the impending danger to both as to stamp him as much more than a stump speaker of rare skill. The messages of the two eloquent territorial governors, Cuming and Black, were given to rhetorical style, and both men loved perorations; but, considering the peculiar and doubtful

[1] Council Journal, 7th Ter. Sess., p. 110.

[2] Nebraska City *News*, December 15, 1860.

[3] Omaha *Nebraskian*, December 8, 1860.

[4] The membership of the council was as follows: Representing *Cass* county, Turner M. Marquett; *Douglas* county, David D. Belden, William A. Little, John M. Thayer; *Otoe* county, William H. Taylor, John B. Bennett; *Sarpy* county, Silas A. Strickland; *Washington* county, John A. Unthank; *Burt, Sarpy,* and *Washington* counties, jointly, John Q. Goss; *Cass, Otoe,* and *Dodge* counties, Samuel H. Elbert; *Cedar, Dakota, Dixon,* and *L'eau-qui-court* counties, John Taffe; *Johnson* and *Nemaha* counties, Thomas W. Tipton; *Pawnee* and *Richardson* counties, Elmer S. Dundy.

The members of the house were as follows: Representing *Burt* county, Judson R. Hyde; *Dakota* county, Thomas Coleman, William F. Lockwood; *Dodge* county, Mathew S. Cotterell; *Douglas* county, Merrill H. Clark, Henry Grebe, Joel T. Griffen, Samuel A. Lowe, Ezra T. Millard, John I. Redick; *Nemaha* county, John P. Baker, George Beane, Thomas R. Fisher, Jonas Hacker; *Otoe* county, Adin G. Cavins, Charles H. Cowles, Hiram P. Downs, Alfred Matthias, Samuel P. Sibley, Jacob Sollenberger; *Pawnee* county, Edward W. Fowler; *Richardson* county, Asa M. Acton, Henry B. Porter, Freeman A. Tisdel, Sr.; *Sarpy* county, William Cleburne, James Davidson, Amos Gates; *Washington* county, Henry W. De Puy, Giles Mead; *Butler, Calhoun, Green,* and *Platte* counties, jointly, Charles H. Whaley; *Cass* and *Lancaster* counties, Evander W. Barnum, William R. Davis, William Gilmour, William E. Reed, Louden Mullen; *Cedar, Dakota, Dixon* and *L'eau-qui-court* counties, James Barrett; *Cedar, Dixon,* and *L'eau-qui-court* counties, Amos S. Chase; *Clay, Gage,* and *Johnson* counties, Hiram W. Parker; *Hall* and *Monroe* counties, Frederick Hedde.

[5] Nebraska City *News*, December 8, 1860.

[6] Laws of Nebraska, 2d Ter. Sess., p. 181.

[7] Ibid., 5th Ter. Sess., p. 251.

[8] Council Journal, 7th Ter. Sess., p. 3; also returns of elections in newspapers of October, 1860.

economic conditions in Nebraska and the political cataclysm which then menaced the whole country, this closing prophecy and exhortation by the most graceful and engaging political orator of the territorial period, if not of the entire life of the commonwealth, was not out of place:

"I can not close this communication—the last regular message I shall have the honor to submit—without uttering the voice of direct appeal to you in your own behalf and that of the people at large. Our internal affairs call for the exercise of wisdom, sound judgment, patience, and an honest purpose. These will not fail of producing prosperous results now, and permanent good in time to come. I believe to-day, and with no broken nor diminished confidence, in the wonderful capacity of Nebraska and in her ultimate and complete success. A soil so rich and prolific, a climate for most parts of the year so pleasant, and at all seasons so full of health, was not meant for a waste place nor a wilderness. God has written his decree of her prosperity deep in the earth, and develops His designs in the rejoicing harvests which return in smiling abundance to them who, betimes, have sown in tears. With an unfaltering trust it becomes us to believe, and to say that we believe that He will not suffer his own ordinances to fail, and the plain purposes of his own will to come short of completion.

"The relation of a territory to the general government is peculiar, and one, in many respects, of entire dependence. Without the aid and fostering care of the federal government the territorial condition, especially at the beginning, would be deplorable indeed, and the great object of ultimate hope, the admission into 'the Union' as a sovereign state, would be sadly distant and uncertain. The suggestions of self interest, and the loftiest patriotism should combine to make the people of the territories faithful to the constitution and firm in their attachment to 'the Union.' When one is the subject of open and frequent violation, and the other trembles on a sea of troubles, every good and conscientious citizen will ask himself the question, What can I do that my country may be saved? You can not shut your eyes, nor can I close mine to the fearful fact that this confederacy is shaken to the centre, and vibrates with intense feeling to its farthest borders. If it is not in our power to do something towards bringing back the days of other years when peace prevailed, let us at least do nothing towards making the present more gloomy, and the future at best, but hopeless. Rather with one accord let us invoke the God of all peace, for 'even the wind and the sea obey him,' that he will subdue the storm and quiet every angry element of alienation and discord."[1]

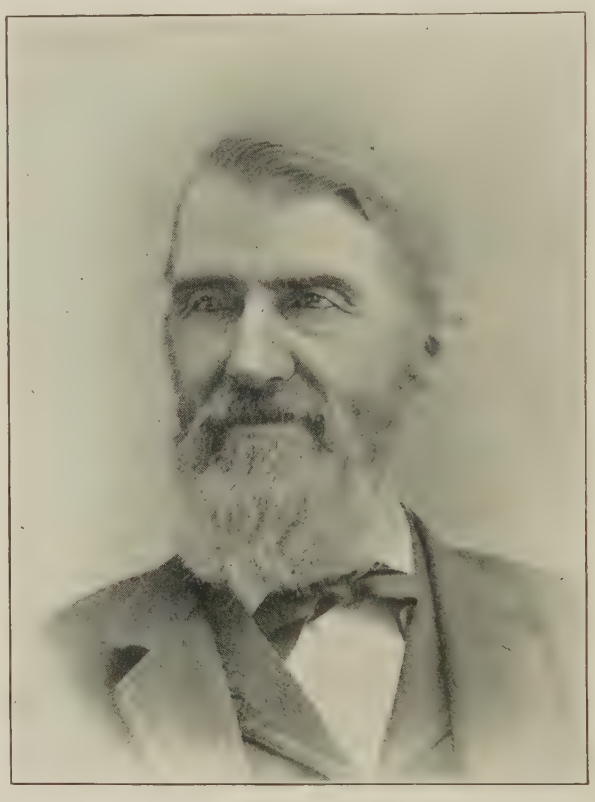
SAMUEL MARVIN RICH[2]

The message and the reports of the auditor and treasurer repeat the familiar doleful financial refrain. The territorial debt has risen in five years to $52,960.37, with $30,259.10 of taxes remaining unpaid, and the public business is still done in depreciated and rapidly

[1] Council Journal, 7th Ter. Sess., p. 12.

[2] Samuel Marvin Rich, son of Prosper and Clarissa (Marvin) Rich, was born at Zanesville, Ohio, in 1826. His mother was a descendant of Col. Ethan Allen, and his father a farmer in Ohio, where he settled at Mount Vernon in 1810. Samuel M. Rich received no schooling, but as a boy and young man was devoted to books, and especially to the study of history. At the age of twenty-two or twenty-three years, he stumped the state of Ohio with that noted politician, Columbus Delano. Mr. Rich read law and in 1865 established himself in practice at Brownville, Nebraska territory. During the practice of his profession at Brownville he was also much interested in politics, and was elected to represent Nemaha county in the first session of the state senate in 1866. He was always a republican. In the later years of his life he gave up the practice of law and devoted his time to writing for magazines and newspapers, contributing a great many stories to eastern magazines. He was married April 15, 1851, to Miss Charity Bell. They had one child, which died in infancy.

increasing warrants. The treasurer complains that "many of the organized counties have failed to make any returns whatever, and some others only a small part of the amount assessed to them," and the auditor learns "that some counties in the southern part of the territory have taken it upon themselves to discard the levy of taxes made in 1859 by the territorial board of equalization, and have made a levy to suit their views." Of a levy on the several counties of $19,615.47, for 1859, only $4,813.36 had been paid. The message recommends the funding of the warrants, then worth only fifty or sixty cents on the dollar, into five or ten year bonds. It complains also that the territorial officers who receive fees are getting extravagant compensation. Exemption from taxation of a portion of individual holdings of land to encourage growth of trees is also recommended. Other conditions are set forth as follows:



SAMUEL FINDLEY BURTCH[1]

"It is not to be denied that appropriations to this territory have been both indifferent and few. Legislative memorials have hitherto accomplished but little, and we have all become familiar with disappointment. They may not always fail, and if *properly enforced,* we are not without hope of their ultimate success. An appropriation for the building of a penitentiary is of immediate necessity. The completion of the capitol building is equally necessary, and I will cheerfully cooperate with you in every endeavor that may be made to obtain from congress the required appropriations. Without a bridge over the Loup Fork, the government road up the Platte Valley is but a work half done. This improvement is both a public and a military necessity; and not less required, but indeed a matter of fair and just demand is an appropriation for at least one military road from some suitable point on the Missouri river, and south of the Platte, to Fort Kearney. The question of gold in the western part of this territory and of Kansas, is no longer doubtful nor open to debate. The travel to and from the mines during the past season has been, as you are well aware, immense. The incoming year will show a large and material increase. The vast emigration has been attended with considerable sickness and suffering, and in many instances death has ensued from the lack of accommodations, nursing and care. The hospital attached to Fort Kearney is perhaps the only place on the whole route where those overtaken by sickness have any opportunity of being nursed and furnished with medical attendance. I have received the gratifying

[1] Samuel Findley Burtch was born on a farm in Guernsey county, Ohio, August 10, 1828. His father, John Burtch, was born in Virginia, of Irish ancestry, and was a farmer in modest circumstances. He married Elizabeth Paisley, whose ancestors came from Scotland, and whose ambitions were to see her children well cared for, and she encouraged them to make the best of their school advantages, which were limited to the Ohio common schools. In 1854 Samuel F. Burtch came west, and in March of that year settled at Glenwood, Iowa. In the following December he crossed the Missouri river with a number of other pioneers, and at Rock Bluffs cast his ballot in the first Nebraska election. He was the enrolling clerk of the lower house of the 1st Nebraska legislature. In July, 1855, his father and family settled on a farm in Sarpy county, Nebraska, and this farm is still owned by members of the family. His oldest brother, at the age of eighteen years, joined a company of volunteers at Zanesville, Ohio, in 1836, went to Texas, and under Houston helped to achieve independence for the Texans. In 1837 he enlisted as

intelligence that the officers of that post, including those of the medical staff, have done everything in their power to relieve the sick and mitigate their sufferings. Their means are necessarily limited and the accommodations small."[1]

The only political question of importance considered at this session was the bill abolishing slavery. In view of the liberal attitude of the democratic platform toward that subject, and the fact that the Douglas popular sovereignty element was in the ascendency, democratic members could not consistently oppose the prohibition measure, and it passed the council with only three members voting no, Belden, Bennett, and Little,[2] and the house with only two opposing, Acton and Porter.[3] The governor again vetoed the measure,[4] giving the far-fetched reason for his objection that by the terms of the treaty of the Louisiana Purchase the prohibition could be legally made only after admission of the territory as a state, and further that the Dred Scott decision stood in its way. But since the decision, or the dictum, only decided that a law of Congress—the Missouri compromise—prohibiting slavery in territory of the United States was unconstitutional, the question of the power of the local legislature in the premises was at least an open one. Both houses passed the bill over the veto, the council by the vote by which it had originally passed,[5] and the house with the same number in opposition, but Downs taking the place of Acton, who had been unseated.[6]

In accordance with the governor's recommendation, acts were passed as follows: Fixing the annual rate of interest at 10 per cent in the absence of agreement and a maximum of 15 per cent by agreement, with a penalty of forfeiture of interest for violation of the law; a law providing for the refunding of outstanding warrants, which by the act of 1857 drew 10 per cent interest, at 7 per cent; reducing the fees of officers paid by that method, and the salaries of the territorial auditor and treasurer from the extravagant sum of $800 and $400 respectively to the munificent sum of $600 and $200. And to show beyond a peradventure that economy was rampant, the offices of territorial school commissioner and librarian were abolished and their duties imposed upon the auditor—presumably to give that officer no time to grieve over his own reduced stipend. Another attempt was made to amend the revenue and school laws so that taxes might be collected. The manufacture of sugar was encouraged by a law requiring county treasurers to pay out of any money in their hands not otherwise appropriated five cents for each pound of merchantable sugar manufactured from cane raised within the county.

Congress was memorialized to organize the already provisionally organized territory of Jefferson for the following reasons:

"Your memorialists, the legislative assembly of the territory of Nebraska, would most respectfully represent to your honorable body that the people residing in the western portion of the territories of Kansas and Nebraska, commonly known as the provisional territory of Jefferson, have, through their delegate to this assembly, expressed a desire to obtain a separate and distinct territorial organization, and your memorialists believe that the great distance intervening between the capital and the extreme western portion of this territory renders it impracticable to organize counties therein, and that a territorial organization is necessary to protect the lives and property of the people of that remote region.

---

a regular in the United States army in Florida, served in the war with the Seminoles, and died in the service a few months before the expiration of his term of enlistment. Since he first commenced to vote, Mr. Burtch had been a democrat, until the confusion of the party with the populists made him doubtful about his position. He has been the treasurer of Sarpy county, member of the convention that framed the present constitution of Nebraska, member of the legislature in 1877, and receiver of the United States land office at Valentine. Though he has never married or joined a club or church or society, he has succeeded in living a moral, benevolent, and generally useful life.

[1] Council Journal, 7th Ter. Sess., p. 11.

[2] Ibid., pp. 67–68.

[3] House Journal, 7th Ter. Sess., p. 61.

[4] Ibid., p. 174.

[5] Council Journal, 7th Ter. Sess., p. 167; House Journal, 7th Ter. Sess., p. 180.

[6] Mr. Acton was unseated after serving until December 29 (House Journal, 7th Ter. Sess., p. 155). Asa M. Acton joined the confederate army early in 1861 and was killed soon after.

"And your memorialists further represent that the gold mines of that region, are located in a portion of the territories of Kansas, Nebraska, Utah and New Mexico, which renders it expensive to the general government, and inconvenient and unsatisfactory to the inhabitants thereof to be represented in the legislatures of their respective territories."[1]

A somewhat reduced number of incorporation and other special acts were passed at this session.

Still determined to get the public printing from the control of the democratic secretary, the republican majority, by a joint resolution, appointed Edward D. Webster,[2] publisher of the Omaha *Republican,* and Alfred Matthias public printers. But Judge Wakeley decided that under the organic act Secretary Morton was the rightful custodian of this business, as he had insisted from the time he became secretary. In view of the pending change of the national administration, a fierce controversy was raging at this time for apportioning the honors and emoluments of the newly triumphant republicanism:[3]

"The 'irrepressible conflict' rages in the ranks of the republicans in this territory at a terrible rate. It is worse than the black tongue among the cattle in these parts, which in all conscience is bad enough. The leaders are fairly foaming and 'slobbering at the mouth.' Copperas and salt won't save them.

. . .

"It is a war of individuals and masses. The individuals, the aspirants for office, the Daily legislative clique are led by Taylor, Webster of Omaha, and some say Matthias of Nebraska City. We are induced to hope that the latter has not yet got his foot full in the trap. The masses are led by Thayer and Monell of Omaha, and, it is said, Mason,

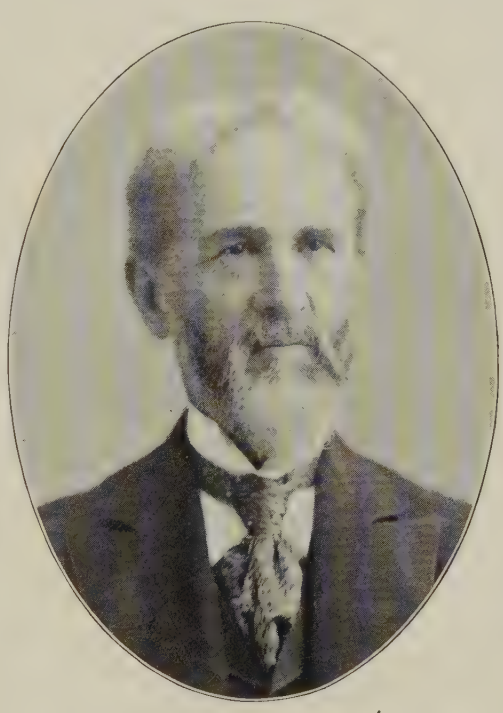
[1] Laws of Nebraska, 7th Ter. Sess., p. 247.

[2] Edward D. Webster owned and edited the *Republican* at Omaha from August 15, 1859, to September 26, 1861. Dr. Miller has told about all that is known of him in his address on "Newspapers and newspaper men of the territorial period," *Proc. and Collec. Neb. State Hist. Soc.,* vol. 5, 2d series, p. 31: "Mr. Webster is one of the best remembered of the early editors of the *Republican.* I have no means of writing with accuracy of his life and work. I shall speak of him as I remember him, a small, black-haired, brown-skinned man, of that nervous-bilious temperament which made him bright, alert, aggressive, and interesting. To political enemies he was as gall and wormwood in his paper, and to those he liked as genial as a girl, in private life. He came to Omaha from Albany, New York, on the recommendation of Thurlow Weed who, as we all know, was the political author and finisher of William H. Seward as a public man, and a great and powerful leader of the old Whig, and the then Republican parties. He was Mr. Weed's protege, personal and political. As a writer he was sharp, short, and decisive. He had a crisp style, and was not at all times polite in dealing with adversaries. He was neither a prohibitionist nor a teetotaller in his habits, which were, in the better sense, convivial. His political methods were those of Mr. Weed, contracted by a great lack of Mr. Weed's remarkable power as the editor of the Albany *Journal,* and as the autocrat of the old Whig party of New York and the nation for thirty years. Mr. Webster's ability as a writer was not marked by any considerable strength. In party management he was aided by a certain shrewdness and cunning. Perhaps his conscience was as keen as anybody's, in the then existing order in Omaha and the territory, but it did not arrest attention by any violent exercise in the politics of the time. I speak of Mr. Webster's political conscience, of course, exclusively. He succeeded in keeping men of his own party by the ears, and bred faction in the new party with marked success. He was a good hater, and had more pluck than prudence in fighting his republican enemies, which included such men as our own Thayer and his predecessor, Dr. Monell. Mr. Webster, as we have seen, continued with the *Republican* only about two years when, at the outbreak of the Civil war, he was called to Washington at the instance of his old friend and master, Mr. Weed, to occupy the honorable and delicate and responsible place of confidential secretary to William H. Seward. I saw him during those stormy periods in the discharge of his duties, and when one would hardly have known him as the same republican Webster, so studiously dressed and dignified had he become. In the midst of many temptations, he acquitted himself in his place with credit and ability. It was E. D. Webster who was entrusted with the delivery of the order for the release of Mason and Slidell, who had been seized by Captain Wilkes and the *San Jacinto* from a British ship, while on their way as ambassadors to England and France from the government of the Confederate states. Had he been a less trustworthy man, such was the strain, pending the action of the president, of expected war with England in that case, he might have put millions of Wall street money in his poor purse in a single day by the betrayal of one of the greatest state secrets that was ever confided to a private citizen. Mr. Webster returned to the state of his earliest love after the war, and engaged in stock raising at North Platte, and afterwards in the Republican valley, where, in the meridian of his manhood, he died a few years ago, regretted by all who knew what a really kind and generous spirit he was in fact."

[3] The Omaha *Nebraskian* (December 22, 1860) made a ferocious attack upon Elmer S. Dundy for having introduced into the council a bill to change the name of his county from Richardson to Lincoln. The *Nebraskian* pronounced a glowing eulogy on Governor Richardson for his gallant services in the Mexican war and for his great assistance to Douglas in bringing about the organization of Nebraska territory by the passage of the Kansas-Nebraska bill, and denounced as shameful and contemptible Dundy's attempt to deprive him of this slight recognition of his character and public services.

Cavins, and Irish of this city. The war was opened in the legislature by the attempt of Dictator Taylor to read out of the republican party the 'Warhorse of Freedom,' Gen. Thayer. The general wouldn't stay read out, and proved conclusively that Taylor never was fairly in the party. Thayer having fairly squelched Taylor, Webster of the Omaha *Republican* turns upon Thayer and attempts to prove that he (Thayer) has always been a democrat. This looks a little strange to us who have had many a tilt with the general while he was editing the *Republican*. We remember to have characterized that journal under his management as very black. When the moon turns into a great big head of green cabbage, and Thayer turns democrat, we'll inform our readers. For a faithful portrait of Webster the curious are respectfully referred to Thayer's letter to the pub'ic.''[1]

The census of 1860 gives the population of the territory as 28,841—whites, 28,696; free colored, 67; slaves, 15; Indians, 63.[2] Of this total, 1,761 whites and 4 Indians were in that portion of the territory north of latitude 40° and west of longitude 103°; and in that portion bounded on the north by latitude 42°, east by longitude 101° 30′, south by latitude 40° and west by longitude 103°. Of the fifteen slaves, 10 were in Otoe and 5 in Kearney county. Of the counties, Douglas led with 4,305, next came Otoe, slightly below her rival, with 4,194; then Cass, 3,369; Nemaha, 3,097; Richardson, 2,834; Washington, 1,249; Sarpy, 1,199. None of the other counties reached a thousand. But Nebraska City still had the satisfaction, no doubt keen enough, of out-ranking Omaha with 1,922 against 1,883, Bellevue coming next and showing astonishing vitality with 929. No other town in the territory reached 500.[3] The population found west of longitude 103° and latitude 40°, amounting to 1,765, were mainly in the new g ld mine region at the base of the Rocky mountains, and now a part of Colorado.



WILLIAM F. LOCKWOOD[4]

The political event of the summer of 1861 was the biennial contest for the seat in Congress, of more than usual interest this time on account of the unusual circumstances in which it arose and the ability and prominence of the men which Morton's brilliant qualities had attracted to his side. W. A. Richardson of Illinois, Daniel W. Voorhees of Indiana, and George H. Pendleton and Clement L. Vallandigham of Ohio advocated the cause of Morton on the floor, and Henry L. Dawes, chairman of the committee on elections, very

[1] Nebraska City *News*, February 9, 1861.

[2] Eighth U. S. Census of population, pp. 554–57.

[3] Ibid., p. 558.

[4] William F. Lockwood was born at Norwalk, Conn., Apr. 1, 1822. His parents were of sturdy New England stock, tracing their lineage back to the Puritan fathers. His early education was acquired in the schools of his native town. At the age of eighteen years he removed to Lorain county, Ohio, and in 1840 commenced the study of law in the office of Bliss & Hamlin at Elyria, Ohio. This firm was composed of A. A. Bliss and E. S. Hamlin, both prominent in legal and official circles. A. A. Bliss was afterward treasurer of the state of Ohio, and E. S. Hamlin was at one time a defeated Whig candidate for Congress. He was admitted to the bar in Medina, O., in 1843, and, the same fall, at the age of twenty-one years, was a candidate for prosecuting attorney of Lorain county, but was defeated by H. A. Tenny, the democratic candidate. In 1845 he was again a candidate, and elected, his opponent on the democratic ticket being Eleazer Wakeley, an Elyria lawyer of his own age. By a somewhat singular coincidence, it happened that in 1861 Judge Lockwood succeeded his competitor for that office as judge of the 3d judicial district of Nebraska. In 1850 he was the whig candidate for Congress, but was defeated by Henry Johnson of Ashland county. Afterwards, for awhile, he was probate judge of Lorain county. Partly on account of impaired health, and to take some part in the build-

ably conducted the case of Daily. Richardson, who of course had become acquainted with Morton while he "had the misfortune to be governor of Nebraska," as he said in discussing this case, in urging that he be permitted to present his own case to the house, made this confident prophecy as to the future of his young protege:

"I know him. I will say of him that of all the young men in the country, and I am familiar with a very great many of them, he has the greatest intellect and the most promising future. I pass this compliment upon him. I have known him for years, and I have watched him well. Beyond the Ohio river there is not a brighter intellect. Gentlemen, you will hear of him hereafter; mark my words."[1]

The organic act of the territory provided that "the manner of holding the elections [for delegate to Congress] shall be prescribed by law," and that "the person having the highest number of votes shall be declared by the governor to be duly elected." The election occurred October 9. Under the law the governor, the chief justice, and the United States attorney for the territory were the canvassing board. They met to canvass the returns of the general election on the 2d of November, and on their finding that Morton had the highest number of votes Governor Black issued a certificate of election in his favor, November 2, 1860.[2] On the 29th of April, 1861, the governor issued a certificate in favor of Mr. Daily, as follows:

"I, Samuel W. Black, governor of Nebraska, do hereby certify that, at an election held in the said territory on Tuesday, the 9th day of October, 1860, for delegate to congress of the United States for the thirty-seventh congress, Samuel G. Daily was duly and lawfully elected delegate to the said congress; and whereas, after the canvass of the votes at the said election, a certificate of election was given to J. Sterling Morton, he having apparently the highest number of votes, having nominally fourteen votes more than Samuel G. Daily, the only opposing candidate; and it being a fact that one hundred and twenty-two votes were counted to the said J. Sterling Morton in what is called the northern precinct of L'eau-qui-court county, that being the whole number of votes returned and claimed as cast therein at the election aforesaid.

"And it further appearing conclusively since the date of the said canvass and certificate issued to the said J. Sterling Morton, that the election in the said northern precinct of L'eau-qui-court was a fraud throughout, and should have been rejected and not counted, which would have shown a legal majority of one hundred and eight votes in favor of the said Samuel G. Daily,

"Therefore, I, Samuel W. Black, governor of Nebraska territory, do hereby revoke the certificate of election issued as aforesaid, to J. Sterling Morton, as delegate to congress to the thirty-seventh congress, and do certify

ing up of the new territory of Nebraska, he removed there in 1856, remained for awhile in Omaha, and in 1857 located in Dakota county, engaging in the practice of law. In 1861, as already observed, he was appointed by President Lincoln associate justice of the supreme court for the 3d judicial district, to succeed Judge Wakeley. This position he held under that appointment, and by reappointment, until the organization of the state in 1867. During that year he was nominated by President Johnson for United States district judge of Nebraska, but by reason of the conflict between the president and the republican Senate he failed of being confirmed. He soon afterwards returned to Ohio, locating in the city of Toledo, where for several years he was engaged in the practice of law. In 1878 he was elected for the term of five years judge of the court of common pleas. This was upon the recommendation of the bar of Lucas county and the nomination of both political parties. As a lawyer, Judge Lockwood was possessed of fair learning, was conscientious and faithful to the interests of his clients, and was a vigorous, forceful advocate, capable, if need be, of sharp invective. As a judge he was affable, courteous, patient; attentive to argument and the details of the cause; careful in the analysis of fact and of his legal conclusions, but firm and inflexible when they were reached. Above all, he sought to be just, having more regard to real justice than to technicality and over-refinement in the law. As a citizen he was of unblemished life, alert and active for the best interests of the community in which he lived. In early life Judge Lockwood was an ardent adherent of the Whig party, taking an active and zealous part in its campaign and other work. Later, after his return to Ohio, his affiliations were with the Democratic party. In 1848, at Elyria, O., he was married to Mary A. Nichols of that village. Three daughters were born of that union, all happily married: Mrs. Franc L. Davis, Sandusky City, O.; Mrs. Major D. W. Lockwood, U. S. A., St. Paul, Minn.; and Mrs. Clara Pomeroy, Cleveland, O. Judge Lockwood died at Sandusky City, O., Feb. 9, 1901, survived by his widow and three daughters. For the foregoing facts we are indebted to Judge Eleazer Wakeley, Mr. S. F. Reefy, proprietor of the Elyria (Ohio) *Democrat*, and to the History of Lorain (Ohio) county.

[1] *Cong. Globe*, 1st Sess. 37th Cong., 1861, p. 267.

[2] Ibid., p. 13.

that Samuel G. Daily was, according to a fair and just count, duly elected as delegate to the thirty-seventh congress of the United States for Nebraska territory.

"In testimony whereof, I have hereunto set my hand and caused the great seal of the territory to be affixed.

"Witness my hand at Omaha, this 29th day of April, A. D. 1861.

"[L. S.] SAMUEL W. BLACK."[1]

By virtue of this certificate the clerk of the House, John W. Forney,[2] entered Mr. Daily's name on the roll, and he was seated when the House met in special session on President Lincoln's call, July 4, 1861. In January, 1861, after the alleged frauds in L'eau-qui-court and other counties had been thoroughly discussed in the newspapers, Governor Black was called as a witness in the contest case instituted by Daily, and testified as to his own powers and his action in this case as follows:

"The board were unanimously of the opinion that when abstracts of the votes cast were transmitted by the county clerk, we could not in any case go behind his return to inquire into the legality of the election in any precinct or all the precincts of any county, and this decision is precisely the same as the decision of the board in 1859, when Mr. Estabrook and Mr. Daily were candidates, and in 1857, when Judge Ferguson, Mr. Chapman and others, were candidates. Mr. Chapman then insisted that the board should go behind the returns of the county clerks, alleging fraud, etc., which they refused to do. Two of the board had supported him at the election, and it was decided unanimously that under the law of February 13, 1857, the governor had no power except to cast up the votes transmitted by the several county clerks. The decision of the last board was, that notwithstanding certain irregularities in the abstracts of returns transmitted by the clerks, still it was our duty to decide in favor of the franchise, provided the return seemed to be substantially correct."[3]

Mr. Pendleton, after quoting this testimony in the debate, said:

"And upon the following page of this printed record, when he is called upon to explain the grounds upon which the board of canvassers acted in counting the returns of L'eau-qui-court county, he justifies their action upon the ground that neither the governor alone nor the board of canvassers had any authority to go behind the papers that were placed before them, authenticated by the hand of the clerk and the seal of his county; and that he must have issued the certificate to Morton, and could not possibly have issued it to Daily."[4]

The following remarkable affidavit which is given with the running comment of Mr. Voorhees as he presented it in his speech shows when and how the second certificate was issued:

"I hold in my hand the affidavit of Mr. Pentland, which will show the character of this case in its legitimate colors. It is as follows:

" 'District of Columbia, City of Washington, ss:

" 'I, Andrew W. Pentland, formerly resident of the territory of Nebraska, but more recently connected with the army of the Potomac, upon my oath depose and say: I am a relative of Samuel W. Black, formerly the governor of Nebraska; that I was at his house in Nebraska City one day in May last, after he (Black) had been removed from the governorship of Nebraska, and Alvin Saunders had been appointed and had arrived in Nebraska, and had gone to Omaha—'

"That was after Governor Black's term of office had expired, after he had ceased to be governor of Nebraska—

" 'And that at the private residence of the said Samuel W. Black, at Nebraska City, in the month of May, 1861, in the presence of Samuel G. Daily and Samuel W. Black, I copied for the said Black and Daily a certificate of election to congress which he (Black) then and there in my presence and in Daily's presence, did sign and give to Mr. Daily, first, however, sticking upon the said certificate a green wafer, which had been under the great seal of the territory;'

"I would not vote for any man, I care not what else he would present in the case, who would bedaub and defile his title deed by a transaction of this kind—

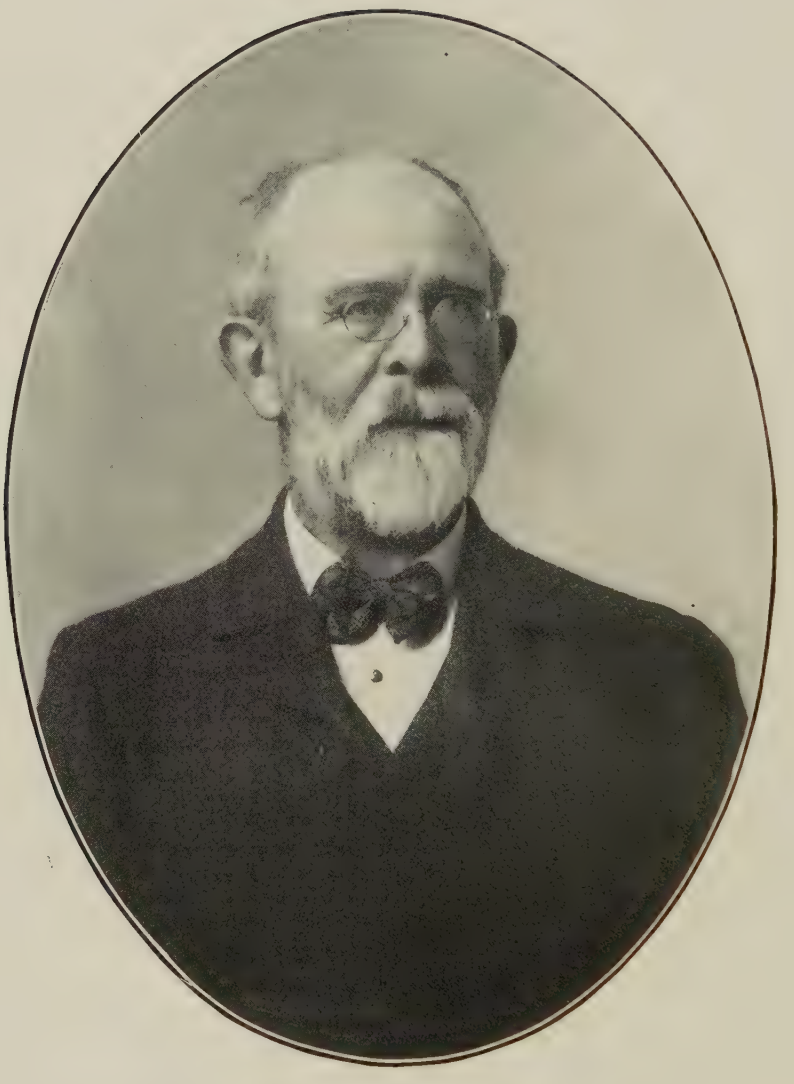
" 'And the said certificate was made by date to appear to have been issued some time previous, and by Black in his executive capacity of governor of Nebraska.

[1] *Cong. Globe*, 1st Sess., 37th Cong., 1861, p. 13.

[2] Forney Co. was named in honor of J. W. Forney.

[3] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 1997.

[4] Ibid.



Henry A Koenig

" 'Furthermore this deponent is willing to go before the committee of elections for the House of Representatives of the thirty-seventh congress, and be examined and cross-examined upon all the above subject-matter.

" 'A. W. PENTLAND.

" 'Sworn and subscribed to before me this 4th day of March, A. D. 1862.

" 'F. I. MURPHY, *J. P.* [L. S.]'

"Ah, this is not evidence, say the committee. Why not? Under the resolution I have quoted from the extra session, it is clear, legitimate, and proper evidence. But further. If that would not do, Mr. Morton offered to bring the witness himself before the committee in proper person. That was refused, and it is to be observed here that it was not for the want of proper notice."[1]

But by the 7th of May, 1862, Mr. Daily was able to produce another affidavit from Pentland, dated the 30th of April, 1862, in the course of which he declared:

"I said, in my affidavit of the 4th of March, that I copied said certificate some time in May last, after he (Black) had been removed from the governorship of Nebraska, and Alvin Saunders had been appointed. I am now quite certain that it was on the 9th of May, 1861, four days before Governor Black removed from the territory. But by saying that it was after he had been removed from the governorship of Nebraska, I did not mean to be understood that he was not then the governor, for I am certain he was; I only intended to say that it was after his removal so far as the appointment of Governor Saunders removed him;[2] but he was the governor up to the time he left the territory, as Governor Saunders had not yet been qualified, nor entered upon the duties of his office—in fact, I think he arrived at Omaha on the 12th, and Black left on the 13th of May. The original of the certificate was in Governor Black's handwriting, and was not very legible, and the paper was rumpled. I put the same date in the copy as was in the original, and placed a green wafer on it that had been under the seal. Governor Black had such wafers in his possession, and used them when necessary to facilitate business, as his residence was fifty miles from Omaha City, the capital of the territory."[3]

But an important change in this facile affidavit-maker's fortunes changed his point of view and materially affected his memory. Mr. Richardson explained Pentland's change of attitude thus:

"One or two days after Morton had offered to introduce Pentland as a witness before the committee, the sitting delegate recommended the appointment of that witness as a clerk in one of the departments here. I ask the clerk to read the letter of the secretary of the interior.

"The clerk read as follows:

" 'Department of the Interior,

" 'April 22, 1862.

" 'Sir: In reply to your letter of the 21st instant, I have the honor to inform you that Mr. A. W. Pentland was appointed a temporary clerk in the General Land Office, the 15th March, 1862, on the recommendation of Hon. S. G. Daily, of Nebraska territory. There are no papers on file in the department in behalf of Mr. Pentland.

" 'Very respectfully, your obedient servant,

" 'CALEB B. SMITH,

" '*Secretary of the Interior.*

" 'HON. W. A. RICHARDSON,

" '*House of Representatives.*' "

Continuing, Mr. Richardson said:

"If you will examine the date of Pentland's affidavit, and the appointment of Pentland by the Secretary of the Interior, upon the recommendation of the sitting delegate, you will find that they occurred within two or three days of each other."[4]

Mr. Pendleton put this severe construction on Black's action:

"I will not inquire into the arguments which changed the opinion of the governor, nor into the motives of the change. But having seen what was done, I was not surprised to find the sworn testimony of a witness brought before the committee for cross-examination, showing that this second certificate was issued after the man had ceased to be governor of Nebraska; that it was issued from his private residence, although dated at the executive chamber; that it was issued from Nebraska City, although dated at Omaha; that it was verified by an impression of the seal of the territory, which had been fraudulently taken from a paper on which it had originally been rightly put, in order that it might be more fraudulently put on this false

[1] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 1978.

[2] Governor Saunders was appointed March 26, 1861.

[3] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 2009.

[4] Ibid., p. 1996.

and spurious certificate. . . . The second certificate was issued in face of the only legal count had. I submit to gentlemen whether they ever heard that one member of a court consisting of three could, at his own residence, in his own chamber, of his own motion, review and reverse the decision that had been made by the whole court? And yet that is what the governor of Nebraska attempted to do in this case—no, not the governor, he had ceased to be governor then—but the gentleman who had been governor."[1]

As to the seal placed on the Daily certificate Mr. Voorhees said:

"I hold in my hand the certificate brought here by the sitting delegate. It was before the committee. I would submit it to any sworn jury of twelve men whether it does not bear upon its face the evidence of forgery. I will submit it to any fair-minded man in the House whether it is not a forgery, not in the name, but a forgery in the seal. I do not ask you to take my assertion, for I have here the evidence. The paper bears upon itself the evidence that the great seal of the territory of Nebraska has been forged and stuck on with the finger, not by the legal stamp. The paper has not the mark of the iron upon it, which constitutes the seal."[2]

Mr. Dawes himself testified to the culpability of Black in giving the second certificate:

"I said in the House last July, . . . what I am willing to state anywhere, that after the governor of Nebraska had given one certificate to the now contestant he had no authority to give another."[3]

The hardships and injustice that Morton suffered from Black's fraud upon him were expressed by Voorhees:

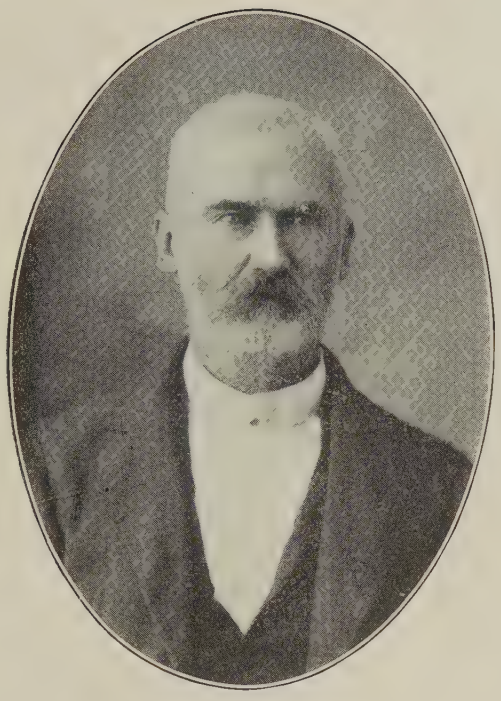
"By an unjust, certainly by an unreflecting, vote of the House, Mr. Daily was allowed to take his seat as sitting member; and the man who came here with his certificate—as good as yours or mine, or that of any man on this floor—was turned from the bar of the House and compelled to contest his way back to this Hall, or abandon his clear and legal right to a seat. Now, starting with a proposition of this kind, I generally find, in my transactions with men, that nothing fair follows such a beginning. That is my experience."[4]

Not the least source of Morton's mortification and hardship was the fact that the issuing of the second certificate was concealed from him until he went to take his seat at the special session of Congress in July, 1861, eight months after he had received his own certificate and four months after his term of office had begun. Said Mr. Dawes: "The gentleman came here with a certificate from the governor precisely like our own, without any intimation from anybody that he was not entitled to take the seat."

Following is Morton's own account of this part of the case:

"On the morning of the 4th of July last I arrived here to take my seat in this House. I had been duly and legally certificated a member of this House. I had no more suspicion or thought that any other person than myself would be sworn in as delegate from Nebraska than you, Mr. Speaker, had that some other person than yourself would be qualified to represent your district from the state of Pennsylvania. . . . Six months or more after the canvassing board had awarded the certificate of election to me, and Governor Black had issued it; three months after the death of Chief Justice Hall, whom the law of the territory made a member of the board of canvassers, and who had acted in that capacity, and concurred in the award of the certificate to me; nearly two months after the term of my office as delegate in congress began, (that is, after the 4th of March, and ostensibly on the 29th of April, 1861), Samuel W. Black, without notifying the district attorney, without a recount of the votes, without notice to me, without the authority of law or precedent, secretly, fraudulently, and perfidiously issued a pseudo certificate to Mr. Daily, and attempted to revoke mine without notifying me. He did this because he hated, and desired to injure me. It was the vengeance of an assassin and a coward wreaked upon one who had, by loaning him hundreds of dollars, saved himself and family from shame and mortification, saved even their family carriage from public auction at the hands of the sheriff. Mr. Black owed me money,

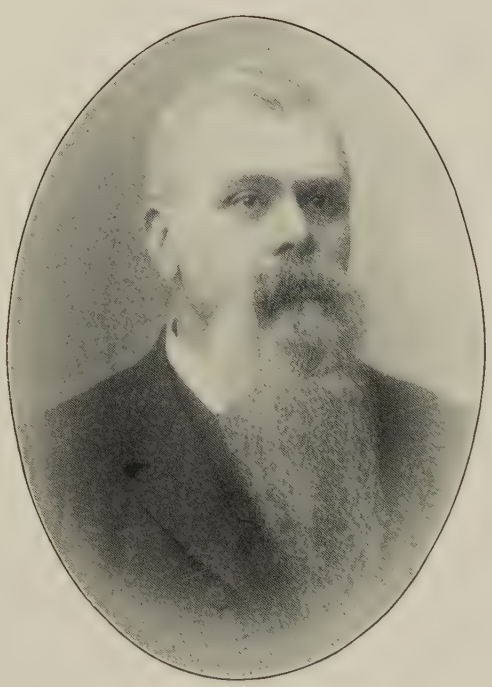
[1] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 1998.
[2] Ibid., p. 1977.
[3] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 1976.
[4] Ibid.



CHARLES A. SPEICE, COLUMBUS

JOHN CARRIGAN, BLAIR

THOMAS F. HALL, OMAHA



MANLEY ROGERS, FREMONT

and he became indignant because I, after he had enjoyed for three years the use of a few hundred dollars, which he had borrowed to return in three days, pressed him for payment. He owes that money yet, though I may possibly reach a part of it as follows:

"'SHERIFF'S SALE.

"'J. STERLING MORTON
*vs.*
"'SAMUEL W. BLACK.

"'Notice is hereby given, that by virtue of a special execution to me directed, from the clerk of the district court of Otoe county, Nebraska territory, against the goods, chattels, land, and tenements of Samuel W. Black, defendant, in favor of J. Sterling Morton, plaintiff, I will offer at public sale, to the highest and best bidder on Saturday, the 17th day of May, A. D. 1862, at the hour of ten o'clock, A. M., all the right, title, and interest of the said defendant in and to the following described property, to-wit:

"'The north half of the northwest quarter of section thirteen; and the east half of the south half of the southwest quarter of section twelve, township seven, range nine, east; and south half of the northeast quarter of section twenty-six, town seven, range thirteen, east of sixth principal meridian, Otoe county, Nebraska territory.

"'Sale to take place on said day in front of the door of the room where the last term of the district court was held in Nebraska City, Otoe county, Nebraska territory.

"'Given under my hand, this 11th day of April, A. D. 1862.

"'GEORGE W. SROAT,[1]

"'*Sheriff of Otoe County, Nebraska Territory.*'

"It can not be that the House of Representatives would become the coadjutor of an individual in his pursuit of revenge, and I am therefore confident that, could I have been allowed time at the beginning of the extra session, I could have prevented the swearing in of Mr. Daily upon his fraudulent certificate, and I might now show that Black's avarice and malice were jointly gratified by the issuance of the second certificate."[2]

Daily admitted that Black had requested him to say nothing about the issuance of the second certificate. "He said he was hounded by this man Morton who had a debt against him upon which he would stop his property and prevent him from going away." But Daily stated further that after he had arrived at Washington, and doubtless filed his own certificate and had his name entered on the roll, he gave the fact out to the newspapers that he had a certificate.[3] Daily's version of the story of obtaining the certificate is as follows:

"Governor Black and I, at his solicitation, not mine, went to the city of Omaha—Governor Black's residence was at Nebraska City, fifty miles from Omaha—and there, at the seat of government, Governor Black made out this certificate to me, which I took to my attorney, Judge Conkling, and asked him whether I should accept it or not. He advised me not to accept it. I then went to my other attorney, Mr. Lapp, and asked him. He advised me to accept it, saying that it could do no harm, and perhaps it might do good. He said it was good and right in law. I therefore told Governor Black that I would accept the certificate. Governor Black took the certificate and put it into his pocket and started for home. For some reason, he got off the boat before he got home. In a day or two he came home. I went then to him and asked him for the certificate. He delivered it to me, but said it was so rumpled and such a poor handwrite (being his own hand)

[1] George W. Sroat was born in Jefferson county, Kentucky, August 3, 1829, a son of Peter and Elizabeth (Conn) Sroat, natives of the same county. His grandfather, also named Peter, was born in Pennsylvania, of German parentage, and moved to Kentucky in 1800, where he married Catherine Lethermann, a native of Germany. George W. Sroat received his early education in his native county, and at the age of seventeen accompanied his father to Tennessee, where he remained three years, then returned to Kentucky and became a contractor and builder. He remained in Kentucky until 1855, and then settled on a claim one and one-half miles south of Nebraska City, built a log house, and remained there the following winter. In the spring he began work at his trade in Nebraska City, and did an extensive and profitable business for several years. In 1860 he engaged in the real estate business, which he continued until his death. Mr. Sroat always affiliated with the Democratic party. In 1860 he was appointed sheriff of Otoe county, and was twice reelected to that office. Later he served as deputy sheriff. In 1866 he was elected a member of the territorial assembly from Otoe county, and served during two sessions. He served as a member of the city council, justice of the peace, and city marshal of Nebraska City. He was a member of the Baptist church, and a member of the Western Star Lodge No. 2, A. F. and A. M. He was married October 21, 1861, to Georgenia North, and nine children were born to them: George N.; Frederick and Arthur, who died in infancy; Grace E., Paul H., Bertha, Irving, Edith, and Alice. Mr. Sroat died March 15, 1890.

[2] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 2001.

[3] Ibid., p. 1978.

that it should be copied, and he gave it to Pentland, his clerk, to copy it. Pentland copied it, gave it to Black, and Black took from his desk a blank seal which had been stamped, and which he had in his house at Nebraska City, and attached it to the certificate, and then gave the certificate to me. He was then still acting governor of Nebraska territory."[1]

In the discussion before the House, at a special session in May, 1862, Richardson strongly urged that a great wrong had been done Morton in allowing Daily to be seated at the last session on his fraudulent certificate and that the wrong should be righted by acknowledging Morton's prima facie right to the seat now; and at the regular session, in a powerful speech, Voorhees took the same ground. But Dawes, while admitting the invalidity of the certificate on which Daily had been seated in July, 1861, had no mind to yield the advantage to a hostile partisan, and insisted that the case should be decided on its merits; and though the time for the regular notice had passed, Morton was permitted to take testimony as contestant. Daily had proceeded to take testimony as contestant after he had obtained the concealed certificate.[2] Morton, however, refused to open up the case extensively at that late day, knowing that if he did so the term would expire before the decision could be reached. The case was heard in May, 1862, at the regular session. The principal effort of Dawes on the part of Daily was to throw out 122 votes from a northern precinct of L'eau-qui-court county, which had been counted for Morton. On this point Mr. Voorhees said:

"Well, the sitting delegate has held the seat here for nearly a year, as we have demonstrated, wrongly, and by an invalid title, and a ruse of that kind deceived nobody. His object was to throw open the whole question again, and prolong the controversy, and thus obtain another year's lease upon his mileage and per diem and a seat in this House, upon this paper which should be the object of the scorn and hissing of every honest man within the sound of my voice. The offer was resisted, and General Todd was not allowed to be called as a witness, except upon conditions that would inflict still further wrong."[3]

Mr. Voorhees then read an affidavit made by Herman Westermann[4] which recited that he had employed W. W. Waford and Jacob Heck as witnesses on Daily's behalf to prove that the 122 votes in question were fraudulent, and that he had paid Waford $100 and Heck $50 for this testimony. Mr. Pendleton argued strongly against throwing out this vote, but Dawes insisted that it had been proved fraudulent and the recommendation of the committee was adopted by a vote of 69 to 48, and Morton lost his seat.

It would be idle to pass positive opinions upon the charges of irregularity and fraud in the votes of L'eau-qui-court, Buffalo, Pawnee, and Richardson counties under conditions where fraud and irregularity were regular and normal. There was enough taint of fraud and irregularity in Buffalo and L'eau-qui-court to give color to the act of a hostile partisan House in ousting Morton, just as there was enough fraud and irregularity shown in Pawnee and Richardson counties to have justified the House, if it had been democratic instead of republican, in seating Morton. It is doubtful if human skill and judgment, however honest, could ever have arrived at a true solution of this question on its merits. The only safe position to take in the case of almost any election contest in early Nebraska is that of Lord Melbourne, who, disappointed in not receiving the order of the garter, promptly decided that, "There's no damned merit in it." And yet Morton's right to the seat in the first instance was based on grounds so strictly regular and so strong that to deprive him of it was clearly a gross outrage; and the evidence adduced would not have warranted ousting him. In course of the hearing in the House there was much

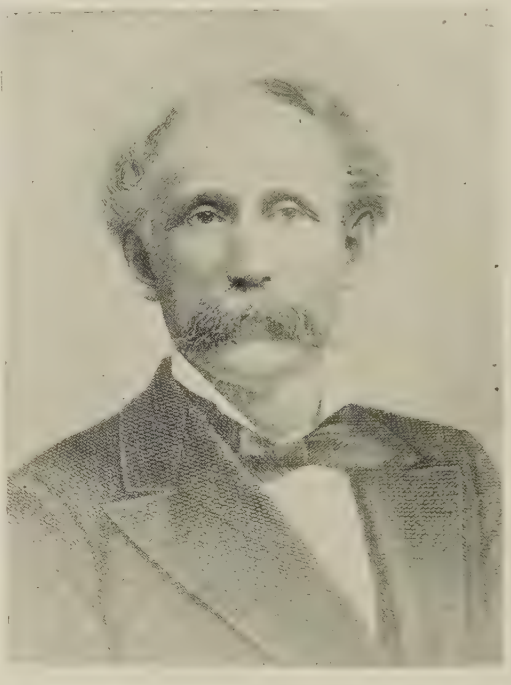
[1] *Cong. Globe*. 2d Sess., 37th Cong., pt. 3, p. 1978.

[2] Ibid., p. 1979.

[3] Ibid.

[4] Herman Westermann was a native of Hanover, Germany. In 1852 he emigrated to America and settled at Cincinnati, Ohio. From there he went to New York and thence to Chicago, in 1854, where he engaged in the wholesale notion and fancy goods trade. In August, 1859, he settled at Niobrara, where he established an Indian trading post. This business he continued until 1880. He was postmaster of Niobrara for nine years and served as county treasurer seventeen years. He died May 29, 1896.

expression of disgust because contests from Nebraska were the regular thing, and Daily made the misstatement that every delegate election since the organization of the territory had been contested. This is not true of the first election. But the perfidy of the second certificate affair is unquestionable, and, considering the general character of Black, inexplicable. Men still living, who were his friends and companions at that time, esteem him as a man of warm and generous impulses and a magnetic and attractive personality, genial and affable towards his friends but bitterly resentful against his enemies. The reply to a charge of the Nebraska City *Press* that the reported vote from L'eau-qui-court county was a "base, palpable, infamous fraud," that if it was so Governor Black knew it, "and knowing it he is a perjured villain for not refusing the certificate to Morton," was no less unassailable than savage.[1]



WILLIAM PITT KELLOGG[2]
Third Chief Justice of Nebraska Territory

By this perfidious, stealthy trick Morton lost his last opportunity to gratify a long cherished ambition to become a member of Congress; for after that republicanism and then populism became so strong that there was no chance for a democrat as he counted democracy. And yet should it not be counted as fortunate for Morton that fate—or, what was the same thing, his lack of the gift or vice of prudent acquiescence necessary to political success—kept him out of the pitfall of political place? By force of ability and character he constantly maintained a position of great prominence in Nebraska, and in later years was a national figure, while many of his successful rivals in politics, that is, in office-getting, lived a brief day of notoriety and then passed into normal insignificance. Mr. Daily, like most men who ventured far upon the uncertain sea of politics at an early age, was prominent for a few years after this contest, and then felt constrained to accept the office of deputy collector of customs at New Orleans, under the notorious ex-chief justice of Nebraska, William Pitt Kellogg, where he died in September, 1864. This Kellogg is now remembered as the famous trainer of the J. Madison Wellses, the Andersons, the Eliza Pinkstons, and other jugglers in the remarkable feat of "returning" the vote of Louisiana in 1876 so that it should elect the republican presidential electors and defeat the republican state ticket with 7,000 more

[1] Nebraska City *News*, August 7, 1861.

[2] William Pitt Kellogg, third chief justice of Nebraska territory, was born in Orwell, Vermont, December 8, 1831. He was a son of Rev. Sherman Kellogg, a Congregational minister, and was educated at Norwich (Vermont) Military academy. He removed to Illinois in 1848, studied law, and was admitted to the bar in Peoria, in 1854, and began practice in Fulton county. He was a delegate to every Republican national convention from 1856 to 1892, except 1864, and a presidential elector in 1856 and 1860. He was appointed chief justice of Nebraska in 1861, but soon resigned to become colonel of the 7th Illinois cavalry. He left the army on account of failing health, and in April, 1865, was appointed collector of the port of New Orleans. He was elected to the United States Senate from Louisiana as a republican and served from 1868 until 1872, when he resigned to accept the nomination for governor of Louisiana by the "custom house" wing of the Republican party, and later, by an agreement with the branch that had nominated another candidate, he became the candidate of the united party. He was opposed by John McEnery, the democratic nominee. The election was held on November 4, and November 16 Judge Kellogg obtained a temporary injunction in a federal court restraining the returning-board from announcing the result, alleging that the board had been packed for the purpose of declaring McEnery elected. A final decision was rendered in Kellogg's favor, but both boards were organized, two legislatures convened,

votes than the electors; and before he had left Nebraska the Omaha *Republican* had credited him with ample craftiness for this formidable feat. Dundy pursued Morton relentlessly in this campaign, as he had previously promised to do; and while his aid was not necessary to secure the inevitable defeat of Morton, his devotion to Daily laid the foundation for his long career upon the federal bench of the territory and the state. He was the object of much contemptuous animadversion on the part of Morton's champions in the House for the anxious part he took in the contest; and while Morton on the whole controlled his tongue with skilful discretion, yet it seemed as if there was only the more venom to spare for every allusion to his relentless enemy. "Dundy," said he, "is one of the ablest journeymen witnesses in the world and his style, as a practical and pointed evidence-giver, admirable."[1] In another part of his statement of his case to the House, a paragraph given up to Dundy is one of the severest philippics ever spoken.[2]

Daily, while no match for Morton's cultivation and brilliancy, yet conducted his part in the controversy with ability, readiness, and skill, though often provoking laughter by his unlettered manner and method. When Voorhees flayed him for turning on his benefactor, Black, for his copperhead politics, he, in undertaking a retort, remarked: "It is said in the Scripture that,

> 'While the lamp holds out to burn
> The vilest sinner may return.'"

And when Lovejoy interjected, "I feel bound to interfere in behalf of Scripture," Daily quickly retorted, "It is a good doctrine and ought to be there if it isn't. I have read Watts and the Bible so much together that I sometimes mistake one for the other."

Mr. Loomis of Connecticut offered a resolution providing for the payment to Mr. Morton of the usual compensation without mileage from July 25, 1861, to May 7, 1862—the period covered by the second trial or contest on its merits. Mr. Frank of New York objected that the custom of over-liberal allowance for contestants had grown into an abuse; and Mr. McKnight of Pennsylvania said that where the delegate came from a far distant state or territory the mileage was enormous, and a contestant ought to be satisfied with it and not to expect any salary. Inquiry showed that Mr. Morton had already received from the beginning of his term, March 4, 1861, to July 25, 1861, the first session, $1,180.40 as salary and $1,508 as mileage—$2,688.40 in all. After a sharp discussion the resolution passed by a vote of 61 to 58. This second allowance was about $2,300. During the debate over the merits of the contest Daily had accused Morton of receiving $300 more in mileage than he himself had received.

It appeared that for this second session Daily had received $75 less mileage than was paid to Morton for the first session, but Robinson of Illinois accused Daily of deceit and misrepresentation as follows: "He has evidently endeavored to create the impression that he had only drawn the amount of mileage as read at the clerk's desk (for the present session). He drew for the 36th Congress $2,160 for each session. He now draws $1,433.60, which the committee on mileage has compelled him to take. At the last ses-

both candidates were declared elected, and both were inaugurated January 14, 1873. A committee of Congress held an investigation and recommended that a new election be held, but a bill to that effect failed to carry and Mr. Kellogg was recognized by the administration as governor of the state. The McEnery party appealed to arms on the ground that the Kellogg administration was a usurpation, and after a conflict with the police, state and city buildings were seized on September 14, and Governor Kellogg was compelled to take refuge in the custom house. Order was restored by United States troops ordered to the scene by President Grant, and the Kellogg government was reestablished. In 1875 a second congressional investigation resulted in an agreement by which Mr. Kellogg held the office of governor while a compromise legislature was recognized. February 25, 1876, Governor Kellogg was impeached by the lower house of the legislature on the charge of using, for other purposes, money that had been set apart for the payment of interest, but the case was dismissed by the senate. January 8, 1877, Governor Kellogg's term expired, and as before both parties organized state governments. Mr. Kellogg was chosen United States senator by the republicans and admitted to his seat by vote of the Senate November 30, 1877. He was elected to the lower house of Congress in 1882 and served until 1885. He was married in Illinois, June 6, 1865, to Mary E. Wills, a native of Pennsylvania, and now resides in Washington, D. C.

[1] *Cong. Globe*, 2d Sess., 37th Cong., pt. 3, p. 2003.

[2] Ibid., 2004.

sion he drew $2,100 mileage on his own motion." In the course of the debate Daily had charged Morton with "disloyalty," at that time a grievous accusation, and Mr. Blake of Connecticut said, "I have a communication here in which Morton's loyalty is impeached and I want the House to know it," but the House did not receive the communication.

Governor Black's character and fine gentlemanly qualities are highly regarded by his still living associates of that time, and his part in this transaction is perhaps the old story of the compensating weakness so often associated with strongly developed emotional and sentimental qualities, and which often make their possessors popular and the most successful leaders of the crowd. And perhaps this gallant soldier's seemingly servile acquiescence in Buchanan's subserviency to the destructive madness of the slave oligarchy was due to an overweening or exuberant sense of loyalty which, in a noble cause, inspired him to noble deeds.

Governor Black left the territory May 14, 1862, for his old home, Pittsburg, Pennsylvania, where he was born in 1818, and on his arrival he raised the 62d regiment of Pennsylvania volunteers. On the 27th of June, 1862, he was killed in the battle at Gaines' Mill while leading his command in a desperate charge.[1] The last letter of public import which he wrote in Nebraska illustrates the grace and eloquence which characterized his utterances. Thought of his tragic but glorious fate, so soon to end his career, lends peculiar interest and pathos to the closing words of this letter written to friends at Nebraska City, where he had resided since coming to Nebraska, declining the invitation to a farewell banquet to be given in his honor:

SAMUEL W. BLACK[2]
Fourth governor of Nebraska territory May 2, 1859, to May 11, 1861, and associate justice of the supreme court of Nebraska in 1857

"On the morrow I shall start to Pennsylvania to stand there, as here, very close to

[1] *Trans. and Repts. State Hist. Soc.*, vol. 1, p. 94.

[2] Samuel W. Black, associate justice of the supreme court, and third governor of Nebraska territory, was born in 1818 at Pittsburg, Pennsylvania, and was the son of a distinguished Covenanter clergyman, Rev. John Black, D.D., of that state. He received a liberal education, became a lawyer, and established a successful practice; he was also active in the politics of his native state and became noted as a stump speaker. When very young, he married the daughter of Judge Irvin of Pittsburg and became the father of four children, one of whom, Mrs. J. M. Moorhead, still resides in Pittsburg. Governor Black first entered military service in the Mex-

the flag that she follows. I think I shall recognize it as the same which has always waved, and always will wave over the heads of her strong and brave battalions. It is a goodly flag to follow, and carries a daily beauty in its folds which makes all others ugly But forgive me—I have altogether digressed when I meant only to thank you, and say, farewell."[1]

The change of administration in the spring of 1861 was the sunrise of a long day for the republican, and the sunset which ushered in an equally long night for the antipodal democratic politicians of the territory.

That Nebraska exhibited true western enterprise and contributed her full quota in the appalling siege of Washington for the spoils of office, which was incident to the first advent into power of a great party under our even then colossal spoils system, and had been quick to exact from President Lincoln, as early as March 26, 1861, the removal from office of so ultra-patriotic a soul as Governor Black,[2] we have the testimony of Mr. Thompson, editor of the republican Plattsmouth *Herald,* in a letter to his paper, written from the national capital, February 25, 1861:

ican war as lieutenant-colonel of the 1st Pennsylvania volunteers. His brilliant career in the war induced the democracy to nominate him for Congress, while he was still in the field. In the Pennsylvania Democratic convention of 1857 he was a candidate for the gubernatorial nomination, and received forty-seven votes on several ballots. He was appointed United States judge for Nebraska territory by President Buchanan, in 1857, and was assigned to the 2d district, comprising the southeast part of the territory. He was appointed governor of the territory May 2, 1859, and resigned February 24, 1861. Governor Black was a Buchanan, and, to that extent, a pro-slavery democrat and a strong partisan, but when he faced the issue of secession he followed the distinguished example of Stephen A. Douglas and William A. Richardson, and lost no time in enlisting in the union army. After his removal from the office of governor by President Lincoln, to make room for a republican, Alvin Saunders, Governor Black returned to Pittsburg, where he raised the 62d Pennsylvania regiment, of which he was commissioned colonel, and his command was assigned to Monell's brigade of Porter's division. The regiment took part in the battle of Hanover Court House, and on June 26, 1862, in the stubbornly contested battle at Beaver Dam creek, the brigade to which Colonel Black belonged was ordered to the support of the Pennsylvania reserves, but the reserves being able to hold their position, Colonel Black's regiment was not engaged, although under fire. In the night the union forces retired to Gaines Mill where, on the following day, the battle was renewed. Almost at the outset of the battle, the 62d Pennsylvania and the 9th Massachusetts regiments were ordered to advance in the face of a terrific fire. They charged across a ravine in their front and gained the woods on the opposite side, driving the enemy before them; but while making the charge, and before the shelter of the timber was reached, Colonel Black, heroically leading his regiment, was killed, June 27, 1862. Thus ended what promised to be a brilliant military career. Governor Black is described by W. W. Cox of Seward, who was personally acquainted with him, as tall, slender, and straight as an arrow, with jet black hair and eyes, and wearing a closely trimmed beard. General Victor Vifquain, who was intimately acquainted with him, described him as a man warmly attached to those whom he regarded as his friends, but inclined to be vindictive towards his opponents. Judge Oliver P. Mason is quoted as saying that Governor Black was the finest orator, especially on the political stump, whom he ever heard. The following incident is related by Turner M. Marquett in the *Trans. and Repts. Neb. State Hist. Soc.:* "In the winter of 1860, a few of us—I believe all belonging to the Republican party—we were called by our opponents Black Republicans—had a banquet, and while it was going on Governor Black and his private secretary came in upon us, and we invited them to partake. His private secretary, doubtless to compliment Black, gave the following toast: 'Here is to Black, without the Republican.' We drank to it. Immediately Senator Paddock arose to his feet and gave a counter-toast, 'Here is to the Republican, without the Black.' That was drunk, and I remember at the end of the feast of shaking hands with Governor Black as he said, 'I am pleased with the rebuke that was given to my secretary,—we are all Americans.' I realized fully the purport of what he said when in one year after the incident he resigned his office as governor, went back to his former home at Pittsburg, Pennsylvania, raised a regiment of men and offered his services to Abraham Lincoln in the great cause of preserving this Union. And a little over one year from that date, in what was known as the seven days' battle before Richmond, he gave his life to his country."

[1] Nebraska City *News,* May 18, 1861.

[2] The following highly eulogistic, and yet, between the lines, discriminating sketch of Governor Black was written by John W. Forney, the well-known journalist and politician:

"Twenty-two years ago, more or less, a young man electrified the cities and towns of western Pennsylvania by his peculiar and irresistible eloquence. He was more boy than man. His fine face and laughing eye; his well-knit and handsome figure; his winning voice and his 'mother wit,' made 'Sam Black' the wonder of more than one exciting campaign. The son of a Presbyterian clergyman, who was an object of veneration and love in thousands of hearts, and whose life had been one of prayer and sacrifice, and thanksgiving to God, Sam inherited a fervent religious sentiment, and frequently punctuated his political appeals and legal arguments with Bible points and periods. And how he loved that old gray-haired father! In his most impulsive moments, however surrounded or flattered or aroused; whether fired with indignation or revelling in the merriment created by his exuberant humor, a mere allusion to his father called tears to his eyes and gratitude to his lips. This remarkable boy, conscious of his influence with his own, was always a favorite with the gentler sex, and he never spoke that he did not attract and delight

"Cicero once said that Rome contained all the bilge-water of the ship of state. Washington, at this time, seems like a vast reservoir into which all the political sewers of the continent are emptying their filth. There are, doubtless, very many great and good men here (besides ourself)—patriots, statesmen, divines—yet, if Gen. Scott's battery of flying artillery were to open a running fire on the crowded thoroughfares of the city to-morrow, we fancy the country would be benefited rather than injured by the indiscriminate massacre of the pestilential crew. . . . W. H. Taylor of Nebraska City is our room-mate. Among the Nebraskans are: Webster, Paddock, Hitchcock and Meredith,[1] of Omaha; Irish,[2] Taylor, Cavins, and one or two others of Nebraska City; Elbert of Plattsmouth; and several whose names we have forgotten, from various parts of the territory."[3]

---

the latter. There was such a fervor in his words and his way, such an affluence of language and novelty of idea—he was so persuasive in his appeals and so terrible in his invective, that it soon became a byword in the counties along the Ohio, Monongahela, and Allegheny rivers that Sam Black was the most promising young man in all that border, and that no other people could match this western prodigy. His subsequent career, if it did not wholly realize the predictions and hopes of his friends, has been sufficiently eventful to entitle it to honorable mention.

"To fall in the battle-field, and for his country, was to die as Samuel W. Black preferred to die. If there was one trait conspicuous in him, it was courage, and courage of the purest chivalry. It called him to the fields of Mexico, where he plucked laurels almost from the cannon's mouth. It always made him a champion of the weak or the wronged. It made him irresistible at the bar and in the exciting passages of public life, it demanded the obedience of the bully and commanded the respect of the gentleman. That this element, which controlled him so constantly, should make him an early volunteer in our present struggle for freedom, was to have been expected. He heard the agonizing call of his country, when stripped and struck by sons suddenly smitten by the madness of hell itself, and he rushed to her rescue. All his impulses and his instincts were fired and organized at this appeal. He saw the great crime of secession and his whole duty at a glance. Forgetting politics and persons, and remembering only the imperilled republic he offered his sword to the government with the noblest promptitude, and fretted and chafed until it was accepted. He devoted himself to his regiment. The private soldiers he made his personal friends. He anticipated their wants and alleviated their sufferings, and if this could not be done they were shared by himself. He had been so reared and trained that, while he looked after his rank and file, he insisted upon his rights when associating with military superiors and equals. He talked to his men of the causes and consequences of the war, of the cruel ingratitude of the traitors, and of the certain glory that must crown all who fought against them. And thus he created a corps that loved him for himself and because he was true to them, and taught the great lesson why they should be true to their country.

"Col. Samuel W. Black fell at the head of his regiment on Friday, the 27th of June, in the great battle near White House, Virginia. He was mortally wounded and survived but a few moments. The incidents of the conflict, and his own part in it, will appear hereafter. We only know now, that when he was struck he was cheering his troops, and they were following him with unfearing impetuosity. Col. Black was about forty-four years old when he died. He was married, when very young, to the accomplished daughter of Judge Irvin of Pittsburg, now a widow, with, we believe, four children. Colonel Black occupied many important civic positions, his very last being that of governor of the territory of Nebraska. He was, in truth, always prominent in public affairs, and it is just to add that few men could have wielded a larger influence, or moulded and led a stronger public opinion. Had Col. Black employed his great wealth of mind and character with half the assiduity of those who gather the richest crops from the poorest intellectual soil, his fame would have required no friendly hand to hang the remembering wreath upon his early tomb."—(The Nebraska City *News*, July 12, 1862.)

[1] John R. Meredith, lawyer, was born at Gettysburg, Pennsylvania, April 15, 1820, and died in Omaha, Nebraska, October 21, 1880. He removed with his parents to Pittsburg, obtained a college education, and was admitted to the practice of law at Steubenville, Ohio, in 1848. He served there as prosecuting attorney, and was successful in a famous criminal case where the prisoner was defended by Edwin M. Stanton. He settled in Omaha with his family in 1858. In 1867 Mr. Stanton, then secretary of war, appointed him one of the board of examiners at West Point, but he declined the office and also the offer of an appointment as judge of the 1st district of Nebraska. He was urged for the chief justiceship by the bar of the territory, and it was believed that President Lincoln had determined upon his appointment, but he was overruled by the influence of Mrs. Lincoln and her friends, and the place given to William Pitt Kellogg, then colonel of an Illinois regiment. After the death of Mr. Meredith, there was found among his papers a letter from Secretary Stanton stating that he would gladly appoint Col. John M. Thayer a brigadier-general, as a personal favor to him. About 1865 he formed a law partnership with George W. Doane, which continued five years. During this period Mr. Meredith was for some time collector of internal revenue. In the fall of 1871 he was stricken with paralysis which compelled his retirement from business and political life. Mr. Meredith was an elder in the Second, now the First Presbyterian church of Omaha. He was married December 30, 1852, to Annie M. Collier of Philadelphia, who resides in New Jersey.

[2] Orsamus H. Irish was a resident of Nebraska City. He became proprietor of the *Peoples Press* in 1858, which he published until 1860, when it passed into other hands. In the spring of 1864 he was appointed Indian agent for Utah territory, and in 1866 he returned to Nebraska, and again secured control of the *Peoples Press*, changing the name to the Nebraska *Press*. In August, 1868, he disposed of an interest in the office, and the following November withdrew entirely. He lived in Washington, D. C., for many years and died there January 27, 1883.

[3] Nebraska City *News*, March 23, 1861.

To which the delighted Nebraska City *News* appends: "Shoot away, General Scott!"

By the middle of June the deposed outs were disposing themselves as follows:

"Some of our readers may wish to know where and what the well abused late government officials of this territory are doing. Gov. Black is in command of the western division of Pennsylvania troops. He is rampant for the Union.

"Secretary Morton, now delegate in Congress, is at present raising corn, cabbage and 'some pumpkins' on his farm one mile west of this city.

"The talented and facetious Judge Hall, chief justice, is in his grave. (Died at Bellevue, February 13, 1861.) After life's fitful fever, he sleeps well. The judge was learned in the law, and was altogether the wittiest, and raciest on a story of any man in the western country.

"Judge Wakeley is still at his post of duty. The man who declared the American Union 'a failure' has been appointed to succeed him, but we think will not hold court just yet.[1]

"Judge Miller is still on duty. A man by the name of Milligan has been appointed in his place, we believe, but will not be apt to officiate right away.

"Ex-Marshal Moore[2] is at his home in Kentucky. He is too good a fellow, it seems to us, to be a secessionist, though of his exact position on the great question we are not at present informed.

"Andy Hopkins, former register of the land office in this city, is waging a gallant fight with his vigorous pen, on Erie's shores, for the Union in its integrity.

"E. A. Des Londes,[3] former receiver in the land office in this city, has an appointment in the Confederate army, and is at the city of Richmond."[4]

Rivalry between republican leaders became intense as high honors and emoluments came within reach; and one faction, including the Omaha *Republican* and the Nebraska City *Press* and W. H. Taylor undertook to read Thayer out of the party;[5] but he has managed to outlive most of his rivals, both politically and physically. Consistency is not a high merit, but only the few distinctively original men will flout it and only the very strong leaders of men may flout it with impunity. The *Herald*,[6] therefore, paid a compliment to Thayer's superior prudence when it said: "He rides one horse and sits the animal badly."

Alvin Saunders, of Mount Pleasant, Iowa, succeeded Black as governor, May 11, and Algernon S. Paddock, of Washington county, Nebraska, succeeded J. Sterling Morton as secretary of the territory, May 18. About the same time William F. Lockwood of Dakota county and of the Elyria, Ohio, trinity—Judge E. Wakeley and Bird B. Chapman being the other two—was appointed judge of the 3d judicial district, succeeding his former fellow-townsman who had been reappointed shortly before the close of Buchanan's administration.[7] The democrats being out now, raised the same cry of carpetbag appointments against the republicans which the

[1] Nebraska City *News*, June 15, 1861.

[2] William E. Moore was the third auditor of Nebraska territory, assuming the office June 1, 1858. He represented Douglas county in the house of representatives of the territorial assembly in the second and third sessions and in the council of the fifth session.

[3] Edward A. Des Londes was from Louisiana and was receiver of public moneys at the Nebraska City land office under the administration of President Buchanan. He was a brother-in-law of General Beauregard and of John Slidell, the confederate agent to England. He joined the confederate army, and the *Advertiser* of September 13, 1862, states that Des Londes was at that time a prisoner of war.

[4] Nebraska City *News*, March 9, 1861.

[5] Ibid.

[6] July 13, 1866.

[7] The Omaha *Republican* (December 14, 1866) notes that the Supreme Court of the United States had affirmed the judgment of the territorial supreme court in an action brought by Judge E. Wakeley to test the authority of President Lincoln to remove him from the office of judge of the 3d district of Nebraska and appoint William F. Lockwood in his place. It appears that the case was decided on the defendant's demurrer, on the ground that the suit was improperly brought in the name of the territory, instead of the United States, and so its merits were not tested.

It seldom happens that a man in public life measures up to the puffs of his party organ; but the following comment on the occasion of Judge Wakeley's reappointment is a just and not overdrawn estimate of his character and capacity which has been proven true by his record and career in Nebraska of more than forty years since that time:

"It is with feelings of pride and delight that the people of the third judicial district of Nebraska, learn of the reappointment, for four years from the first of last month, of this eminent, profound, and impartial jurist. We can safely assert that he possesses the entire confidence of the citizens of this dis-

latter had dinned in democratic ears during the whole period of their incumbency, and the disappointed republicans joined lustily in the protest. As Governor Saunders appeared to be only a boarder in the territory for some time after assuming his office, he was sarcastically assigned to the carpetbag class: "Gov. Saunders, of Mt. Pleasant, Iowa, is in Nebraska on a visit. He arrived at Omaha on last Wednesday."[1]

The outbreak of the Civil war affected Nebraska as a frontier settlement, and notwithstanding that Governor Black was in daily expectation of turning over his office to his successor, he felt that conditions were such as to require him to issue an order for all volunteer military companies to report forthwith—those of the 1st brigade to Major-General Thayer and those of the 2d brigade to Brigadier-General Downs. It will be seen that the legislative act of 1856 was followed in this order, and that two of the generals elected by the legislature under the act were recognized as still in office, though the original attempt at organization had not been successfully prosecuted.[2] Brig.-Gen. L. L. Bowen of the 2d brigade, or South Platte division, had gone to Colorado where he was an unsuccessful candidate for the legislature in 1861.[3] On the 30th of April, Governor Black issued a proclamation recommending the organization of military companies throughout the territory on account of "the withdrawal of United States troops from some of the forts of Nebraska and the disturbed condition of the country." These companies were not required to report to the regular military organization.

JAMES WILSON COLEMAN[5]
PIONEER OF NEMAHA COUNTY

"The right view of the case is presented by his excellency in his proclamation. His action had, however, rather been anticipated by the people. Already there are four full companies organized in this city. Omaha, we believe, has an equal number already organized; and the other towns in the territory have generally effected similar organizations. We trust these companies will at once be supplied with arms. We don't believe there will be anybody 'hurt' if the territory is armed; but it is best to prepare for war in times of peace. . . . Nebraska is abundantly able to take care of herself, with or without the protection of the administration at Washington."[4]

But on the 28th of the following August this 1st Nebraska regiment, under the command of Col. John M. Thayer and Lieut.-Col. Hiram P. Downs, left Nebraska for active service in Missouri.

trict; and while there may be some who desire to see the place Judge Wakeley fills, occupied by a man holding different political views, still (they) would be loth to part with the cool, clear, keen perception, sound judgment, and dignified bearing that has graced the judicial bench of this district for the past four years."—(Dakota City *Democrat*, March 9, 1861.)

[1] Nebraska City *News*, August 31, 1861.

[2] Personal recollections of General J. M. Thayer.

[3] Nebraska *Advertiser*, September 19, 1861.

[4] Nebraska City *News*, May 11, 1861.

[5] James Wilson Coleman was born in Knox county, Ohio, June 26, 1827. His father, Joseph Coleman, was of German descent, of a pioneer Pennsylvania family. His mother, Mary Ann Kelly, was of Revolutionary stock, her family originally coming from Ireland and being among the early settlers of Pennsylvania. James Wilson Coleman married December 10, 1848, at Mansfield, Ohio, to Nancy Jane Kennedy, whose parents were pioneers. She was the only daughter and the youngest of a family of eight children. Her mother was Marion Maria Hays, of Kentucky. Her father, Robert Wilson Kennedy, was in the Indian wars during 1811–12, and with a brother, James Kennedy, was under Gen. William H. Harrison, and took part in the battle of Tippecanoe, where the Shawnee Indian chieftain was encountered. James was struck on the head by a

On the 18th Governor Saunders issued the first proclamation for the territory calling for volunteers for the Civil war, as follows:

"Whereas, The president of the United States has issued a proclamation calling into the service of the United States an additional volunteer force of infantry cavalry to serve for a period of three years, unless sooner discharged; and the secretary of war having assigned one regiment to the territory of Nebraska, now, therefore, I, Alvin Saunders, governor of Nebraska, do issue this proclamation, and hereby call upon the militia of the territory immediately to form in different companies, with a view of entering the service of the United States, under the aforesaid call. Companies, when formed, will proceed to elect a captain and two lieutenants. The number of men required for each company will be made known as soon as the instructions are received from the war department; but it is supposed now that it will not be less than seventy-eight men.

"As soon as a company has formed and has elected its officers, the captain will report the same to the adjutant general's office.

"Efforts are being made to trample the Stars and Stripes, the emblem of our liberties, in the dust. Traitors are in the land busily engaged in trying to overthrow the government of the United States, and information has been received that the same traitors are endeavoring to incite an invasion of our frontier by a savage foe. In view of these facts I invoke the aid of every lover of his country and his home to come promptly forward to sustain and protect the same.

"Done at Omaha, this 18th day of May, A. D., 1861.

"ALVIN SAUNDERS."

It was thought improbable that troops would be ordered from this sparsely settled, unprotected frontier for active service in the East, especially when there were thousands of men already refused by the government; but it was deemed probable that the design was to garrison the forts from which United States troops had been withdrawn. "This territory cannot well spare 1,000 troops, coming as they would from the productive classes, mechanics and men who work for a living." The still straitened condition of territorial affairs is reflected by a "military gentleman" thus:

"Our military organization is a most difficult question. Were there now a sudden emergency demanding the transportation of a few hundred men any material distance north, south or west, I do not believe that we could procure on the credit of the territory the horses, wagons, provisions and ammunition that would be necessary for the purpose, much less to supply them for many days in the field.

NANCY JANE COLEMAN
WIFE OF JAMES W. COLEMAN

tomahawk and left for dead; but he was rescued, a silver plate was fitted over the crushed skull, and he lived many years after. When the tide of immigration from Ohio to Missouri commenced, the Colemans, Kelleys, and Kennedys joined the throng and settled at and near Oregon, Holt county, Missouri, where many of their descendants still live. In March, 1854, James W. Coleman, with his wife and three children, moved to Nebraska territory, settling at what is now Brownville, Mr. Coleman taking a claim just north of the present town site. As the village grew, he became one of the leading citizens, and held many public offices. He was sheriff in 1856–57 and 1861–62, both terms being full of exciting experiences and thrilling adventure. Horse thieves were numerous and traveled up and down the Missouri river, and these with the Indians and jayhawkers, were a constant menace to settlers. While on the hunt for a party of these outlaws near Nebraska City, the sheriff became separated from his posse, and coming upon two of the outlaws compelled them to march into the town. By a clever trick one of the men succeeded in dodging behind a tree and made his escape, by running into the thick underbrush. In a short time he got a number of his fellows together, and went to the store-room, where the sheriff had stopped with his prisoner waiting for the authorities to help house him safely for the night. The gang, comprising a dozen armed men, tied and disarmed the sheriff, released the prisoner, and held high carnival over

"So heavy are our taxes pressing upon the people that I do not suppose that any one would for a moment contemplate increasing them; while to effect anything for military purposes would be to demand a very large increase.

"We cannot anticipate our future resources. A very slight increase of our debt would prostrate our credit utterly; our territorial warrants would be worthless, and bonds could not be sold, I fear, at any price.

"The present harvest has just shown us that there are scarcely hands enough, even with the aid of machinery, to secure our crops. Yet if we can do anything it will be to spare the men, provided their families are supported—in other words that they are paid. . . .

"If the U. S. Government would arm, equip, subsist and pay a proper number of men to be placed, say 300 at Fort Kearney to move along our frontier, 100 at Brownville or some point in that vicinity, and 100 up toward L'Eau Qui Court, they would constitute a sufficient guard for the present, and with an efficient organization of our militia could be re-enforced, whenever required.

"But the U. S. must foot the bill—we are, I conceive, utterly unable to do it."[1]

The anxieties and terrors of the Civil war for a time subdued the petty feelings and strifes of partisanship, and it was announced that "the republican and democratic central committees which recently convened at Omaha, after full consideration very wisely determined upon the inexpediency of drawing party lines this fall."[2] There was a prevailing sentiment that there were no party questions, only the question of loyalty or disloyalty to the Union. William E. Harvey, a democrat, was elected auditor over Stephen D. Bangs, a republican, and Augustus Kountze was elected treasurer without opposition. The call to arms made many vacancies in the council, and William F. Sapp of Douglas county was elected to fill the vacancy caused by the resignation of John M. Thayer; C. Blanchard,[3] of Sarpy, in place of Silas A. Strickland; John McPherson from Nemaha and Johnson, in place of Thomas W. Tipton, and Samuel M. Kirkpatrick from Cass, Dodge, and Otoe, in place of Samuel H. Elbert.[4] The

the trapped sheriff. Leaving him tied and under guard, they rode through the town, shooting and yelling defiance to anyone who might venture out. The citizens being afraid to interfere, the outlaws were soon out of sight and beyond pursuit. August 7, 1858, an anti-horse-thief society, known as the "Nemaha county association for the protection of property against horse thieves," was organized at Brownville, and Mr. Coleman was elected one of the ten "riders." It was the duty of these riders, on receiving notice that property had been stolen, "to use all diligence, care, and labor in their power to retake such property, and to apprehend the thief or thieves." Mr. Coleman resigned the sheriff's office during his second term to enlist in Company C, 2d regiment Nebraska cavalry, and was elected first lieutenant and mustered in October 30, 1862. He was part owner of one of the first ferry boats at Brownville. Was a member of Brownville Lodge No. 5, Independent Order of Odd Fellows; became vice-president of the agricultural and mechanical association of Nemaha county at the organization of the association in 1867, and was treasurer of the association at the time of his death, March 11, 1869. He was a member of the Protestant Methodist church. Mrs. Coleman was held in very high esteem, and after her long and useful pioneer life she died November 2, 1900. Three children were born to Mr. and Mrs. Coleman: Robert Wilson, Joseph Logan, and Kitte. The latter married Dr. S. W. McGrew in 1870, and resides with her husband in Auburn, Nebraska. Dr. McGrew is a native of Westmoreland county, Pennsylvania. He graduated from the Cleveland medical college in 1868, and in July of the same year settled in Nemaha county. He was the first elected county superintendent of Nemaha county. He practiced medicine for twenty years at London, Nebraska, where he owned a farm. Dr. McGrew was elected a member of the house of representatives of the 20th state legislature in 1887; and since that time he has lived in Auburn. He was admitted to the bar in 1888.

[1] Nebraska *Advertiser*, October 3, 1861.

[2] Ibid.

[3] Corrington Blanchard was the oldest member of the council.

[4] Samuel Hitt Elbert, member of the council of the 7th territorial assembly of Nebraska, was born in Logan county, Ohio, April 3, 1833. He was a son of John Downs Elbert, and a grandson of Dr. John Lodman Elbert of English descent, and a surgeon in the American Revolution. In 1840 his parents removed to Iowa, where young Elbert received his early education in the public schools. In 1848 he entered the Ohio Wesleyan university from which he was graduated in 1854. He began the study of law at Dayton, Ohio, where he was admitted to the bar in 1856. In the spring of 1857 he began the practice of his profession at Plattsmouth, Nebraska territory. In May, 1860, he was a delegate to the Republican national convention at Chicago which nominated Abraham Lincoln. The same year he was elected a member of the legislative council of Nebraska territory. In 1862 he was appointed secretary of the territory of Colorado, and in 1873 was appointed governor of Colorado territory by President Grant. He projected a scheme for the irrigation of all the arid lands west of the Missouri river, and called a convention of delegates from western states and territories which met in Denver in the summer of 1873, but when he had fairly set the matter in motion with a view to securing congressional action, he was removed and his predecessor, Edward

other nine members held over from the previous session.[1]

The eighth session of the general assembly opened December 2, 1861. John Taffe, republican, of Dakota county, was chosen president of the council, receiving 7 votes, his democratic opponent, David D. Belden of Douglas, receiving 4 votes. Robert W. Furnas of Nemaha county was elected chief clerk. Party lines were not drawn in the choice of speaker of the house, and Alfred D. Jones, of Douglas county, was chosen on the sixth ballot, receiving 31 votes against 5 for Milton W. Reynolds of Otoe and 1 for Barnabas Bates of Dakota. George L. Seybolt of Cass county was elected chief clerk.[2] Among the names of other officers of the house familiar to present citizens of Nebraska are those of Isham Reavis of Richardson, enrolling clerk, and Joseph J. Imhoff of Otoe county, fireman. Turner M. Marquett was the youngest member of the council and Robert M. Hagaman,[3] who, as county clerk of L'eau-qui-court county, laid the foundation for keeping J. Sterling Morton out of the Congress of the United States by rejecting the election returns from the northern precinct of that county in 1860,[4] was, it was said, the youngest and also the handsomest member of the house. John Taffe of Dakota county, president of the council, and subsequently delegate to Congress, and an Omaha journalist, was a native of Indiana and thirty-three years of age.[5] "While there was at least an equal amount of assembled talent; a greater degree of sobriety and 'good looks'; more sociability and general good feeling . . . we are constrained to assert that we witnessed at no previous session such an exhibition and exercise of downright contrariness."[6] For the first time in the history of the territory the republicans were in the saddle in both the executive and legislative departments. And such were the impetus and the inertia of the Union senti-

M. McCook, reappointed. The Senate refusing to confirm the appointment of McCook, Elbert continued to act as governor. However, he went east, and John Jenkins, territorial secretary, became acting governor. On the return of Elbert, after the confirmation of McCook, Jenkins addressed a letter to him which he signed as "Acting Governor." Elbert resented this, and returned the document "not recognized," signing himself "Governor of Colorado." A spicy correspondence followed, Jenkins asserting that he had been notified of Elbert's removal, and Elbert insisting that he had never been officially notified and that he was governor until the arrival of his successor. Elbert had his office at his block on Larimer street, and Jenkins' office was in McCook's block on Blake street. In 1876 he was elected a justice of the supreme court of Colorado and served as chief justice from 1880 to 1883. In 1885 he was reelected, but resigned in 1889 owing to failing health. Samuel H. Elbert had married Josephine, the daughter of John Evans, in 1865. She died in 1868, and Judge Elbert died in November, 1899, at Galveston, Texas, leaving no children. John Evans, who was well known to the early pioneers of Nebraska territory, was a Quaker, born in Ohio in 1814, studied medicine, and practiced in Illinois and Indiana. He donated $25,000 for the endowment of a chair of mental and moral philosophy in the Northwestern university at Evanston, Illinois, the trustees naming the university town in his honor, and electing him president of the board. He was long prominent as a railroad projector and politician. He became the second governor of the territory of Colorado and one of the first United States senators from that state.

[1] The members of the house were as follows: *Burt* county, Silas T. Leaming; *Butler, Calhoun, Green,* and *Platte,* John Reck; *Cass* and *Lancaster,* Evander W. Barnum, James Chalflant, William F. Chapin, Samuel Eikenbary, Isaac Wiles; *Cedar, Dakota, Dixon,* and *L'eau-qui-court,* Daniel McLaughlin; *Cedar, Dixon, L'eau-qui-court,* Robert M. Hagaman; *Clay, Gage,* and *Johnson,* Nathan Blakely; *Dakota,* (Captain) Cornelius O'Conner, Barnabas Bates; *Dodge,* Eliphus H. Barnard; *Douglas,* Aaron Cahn, Merrill H. Clark, Oscar F. Davis, Joel T. Griffen, Alfred D. Jones, James H. Seymour; *Hall* and *Monroe,* Enos Beall; *Nemaha,* John Crothers, George Crow, (Dr.) Andrew S. Holladay, William Reed; *Otoe,* William P. Birchfield, William Buchanan, J. Closser, John H. Croxton, Dr. Napoleon B. Larsh, Milton W. Reynolds; *Pawnee,* David Butler; *Richardson,* Lewis Allgewahr, John S. Ewing, Henry B. Porter; *Sarpy,* Henry T. Clarke, William D. Rowles, Stephen H. Wattles; *Washington,* Edwin A. Allen, John S. Bowen.

[2] Account of election of officers in journals of council and house, 8th Ter. Leg.

[3] Robert M. Hagaman was born in Chenango Forks, N. Y., about 1837. In the fall of 1856 he went to Prescott, Wis., where he spent the winter. From there he went to the then new town of Niobrara, Nebraska territory. He became a member of the Niobrara town company in 1860 and was appointed the first recorder of L'eau-qui-court (Knox) county. He was afterwards appointed a colonel on the staff of Governor Jaynes of South Dakota. In May, 1863, Hagaman, with W. M. Barnum and James Tufts, went up the Missouri river to the mouth of Milk river; thence overland to Virginia City, then in Idaho, arriving the following September. Soon after Tufts was elected to the legislature of Idaho and Hagaman was appointed clerk of Madison county. In the fall of 1865 Mr. Hagaman returned to Binghamton, N. Y., where he resided until his death, about 1879. He married a Miss Eley of Binghamton and they had one child, a daughter.

[4] *Cong. Globe,* 2d Sess., 37th Cong., pt. 3, p. 1997.

[5] Nebraska *Advertiser,* January 9, 1862.

[6] Ibid., January 23, 1862.

ment and the cohesive power of the passions and spoils of war, that, no matter what the shortcomings or the trespasses of this war party, it could not be unhorsed for a quarter of a century to come.

Governor Saunders in his message reiterated the oft-told tale of the providential preparation of the Platte valley for a railway to the Pacific, and added that "the intelligent and far-seeing telegraph company have made this discovery already, and have located their Pacific line and staked out the very route where they expect soon to be followed by this great highway of commerce." He states that the valuable salt springs of Saline and Lancaster counties, with the adjacent lands, have been reserved from sale by the general government, and recommends that Congress be memorialized to place these lands under the control of the legislature, or that Congress pass some law authorizing the springs to be worked under the control of the government. He states further that the secretary of the interior has recently decided that school lands may be leased for the support of the public schools, and advises legislation to that end, in case the legislature is of the opinion that a revenue might be derived from them. It appears from the report of the auditor that the indebtedness of the territory has now reached $50,342.98, represented by $16,000 in bonds and $34,342.98 in warrants. The governor points out that the capitol is still uncompleted and that neither legislative hall is ready for use, and recommends that the legislature ask Congress for an appropriation sufficient to fit the legislative halls for occupancy. The governor informs the legislature that "experience has shown that an agricultural community can not prosper without a safe medium of exchange," and without stopping to elucidate the rather remarkable economic implication that other than agricultural communities might thrive on an unsafe medium of exchange, he soundly advises that "nothing but gold and silver, and the paper

BRUNO TZSCHUCK[1]

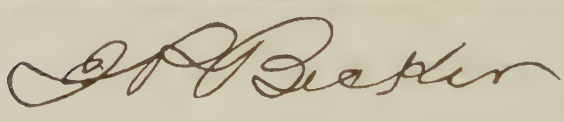
[1] Bruno Tzschuck, retired pioneer, of Omaha, was born February 17, 1827, in Goennern, province of Saxony, kingdom of Prussia. He is the son of Ferdinand Tzschuck, who was chief of internal collections, and Wilhelmina (Wiermann) Tzschuck. Bruno Tzschuck received his early education from a private tutor for six years, but later completed the scientific course in Luther college at Eisleben, one of the celebrated institutions of learning in Europe. At the age of eighteen years, he volunteered in the Prussian army and received a commission as lieutenant. But obtaining leave of absence, he enlisted in the war between Holstein and Denmark, and served from 1849 to 1851, when Holstein was defeated and the army disbanded. In June, 1851, four officers of this army, among them Mr. Tzschuck, came to America, landing in New York. Mr. Tzschuck immediately went to Davenport, Iowa, and began farming. Not finding surroundings altogether satisfactory, he went still further west, and, in November, 1852, located at a point on the Iowa side of the Missouri, a little below Plattsmouth. His young wife accompanied him from Davenport, and here, in this wild territory, he found an unfinished log cabin of the most primitive kind. The entire structure had been made without nails, and had only the most crude openings for windows and doors, but it served them as a home for a while. The next year he entered the employ of Peter A. Sarpy, and was placed in charge of the trading post

of well guarded and strictly specie-paying banks should be tolerated,"—in an agricultural community.

The auditor points out that because warrants draw 10 per cent interest and bonds only 7, many prefer the warrants; and yet the latter are worth only thirty-five or forty cents on the dollar. This officer reminds the legislature that he has often urged the passing of regular appropriation bills specifying certain sums for particular purposes, and he again presses his recommendation so as to form some check upon the issue of warrants.

The legislation of this session consisted of sundry amendments to the codes and to other general laws. The other enactments comprised the repeal of that part of the refunding law limiting its application to warrants presented on or before December 1, 1861; an act assigning the new republican judges appointed by President Lincoln to the several districts—Chief Justice William Pitt Kellogg to the 1st, Associate Justice Streeter to the 2d, and Associate Justice Lockwood to the 3d; an act providing that property to the value of one hundred dollars belonging to any person who should maintain an acre of grapes in a good state of cultivation and in a single tract should be exempt from taxation and for an exemption of a valuation of $50 for each additional acre of grapes; an act attaching all territory lying west of the 1st guide meridian to the 1st judicial district; an act to encourage the growth of wool; and an act to resurvey the saline lands in Lancaster county. The law to encourage the growth of sheep was as follows: "All sheep not to exceed five hundred in number are hereby exempted from forced sale on execution and taxation." How this gracious concession was to be distributed among the various sheep owners if there should happen to be more than five hundred of the favored animals in the territory is left to conjecture—after the fashion of so much of the territorial legislation. The preamble of the law for the resurvey of saline lands recited that "certain lands in the southern portion of Lancaster

at St. Mary. This place was an outfitting point for emigrants, and freighters who were moving westward, and was an important trading station with the Indians. This was one of the very few points on the upper Missouri river where a large steam ferry was kept for accommodation of emigrants, connected with ferries on the Elkhorn river and Loup Fork of the Platte. In the early part of the year 1854 a treaty was made with the Indians at Bellevue through Colonel Manypenny by which they ceded their rights to Nebraska territory, and the reservations were fixed. In the fall of 1855 he left the employ of Sarpy and engaged in farming near Bellevue, on the river bottom, which land he cultivated and improved until the opening of the Civil war, when in August, 1861, he received a staff appointment under General Frémont as captain of engineers, serving a year under Frémont and Halleck, but resigning at the end of that time, as no provision had been made for the payment of engineers. He again resumed his occupation of farming, which he continued until 1880. Just at the time when his land was under a high state of cultivation, the shifting course of the Missouri cut a channel through his entire farm, utterly ruining and devastating the work of years. Since that unfortunate time his residence has been in Omaha. Mr. Tzschuck has always taken an active interest in politics and has been identified with the Republican party since 1856. In 1873 he was elected to the state legislature as a float representative, his district embracing about half the state. In the contest for this election his opponent was General Experience Estabrook whom he defeated in his own county. Two years later he was elected secretary of state, which office he held two terms. While secretary of state he became adjutant general, and was acting governor during a considerable part of his term, owing to the absence and illness of Governor Garber. In 1880 he was supervisor of the national census for Nebraska, and two years later he was appointed consul to Vera Cruz, Mexico. This appointment was made though not formally announced by President Garfield, just before his assassination, and President Arthur immediately ratified it upon assuming the presidential chair. In 1886, just six years after his removal to Omaha, he was elected senator from Douglas county, and was energetic in his work for the state. He introduced and secured the passage of a bill to increase the Douglas county commissioners from three to five. As before mentioned Mr. Tzschuck was married in 1852 to Miss Maria Schmidt at Davenport, Iowa, and there have been six children born to them: Clara, the wife of Col. J. C. Hoffmayer of Council Bluffs, Iowa, died in 1884; George B., secretary and treasurer of the Bee Publishing Co., Omaha; Bruno M., who died at the age of twenty-seven; Alice, married to A. L. Mayer, Agnes, now living at home; and Marie Antoinette, married to Carl Gerber. Mr. and Mrs. Tzschuck celebrated their golden wedding anniversary September 6, 1902. Mr. Tzschuck, while not identified with any church, attends the All Saints Episcopal church of Omaha, though in early youth he was baptized and confirmed in the Evangelical Lutheran church. He was a member of the order of Grangers when that movement was first inaugurated. This early settler of Nebraska now permanently resides in Omaha, respected and honored by all who know him. It is fitting to mention that Mr. Tzschuck has the honor of receiving a pension from the German government for the services he rendered that nation in his youth.



county, known to be the richest saline lands perhaps in the world, have been entered at the United States land office in Nebraska City by private individuals by virtue of a conspiracy with the United States surveyor," and that the general land office had recalled the patents for these lands and ordered an investigation.[1]

The counties of Buffalo, Hall, Kearney, and Lincoln were constituted a new representative district; the territory known as Jones county was attached to Gage for the purpose of taxation. The name of Green county was changed to Seward, and Calhoun to Saunders. The first organization of Holt county was legalized and also the acts of the county commissioners of Platte and L'eauqui-court in 1861. Gage and Jones counties were attached to the council district of Richardson and Pawnee, and that part of Polk county north of the Platte river was joined to Platte county for election, judicial, and revenue purposes.

Two sets of resolutions favoring the prosecution of the war for the Union were adopted by the house on motion of Reynolds, democrat, of Otoe county.[2] A joint resolution was adopted requesting the secretary of war to station two companies of federal soldiers on the Missouri border to protect loyal citizens from depredations of "secessionists and traitors in Missouri, and of those residing in their own midst." During the months of January and February, 1862, great excitement was caused in the southeastern counties by lawless acts of jayhawkers. Though there was an inclination in the North Platte section to belittle these disturbances, Governor Saunders issued the following proclamation:

"Whereas, It has been represented by many good and loyal citizens of this territory, that lawless bands of armed men, styling themselves 'Jayhawkers,' are committing depredations in the southern portion of the territory—stealing horses, robbing stores and houses, and threatening the lives of many of our citizens,

"Now therefore, I, Alvin Saunders, governor of the territory of Nebraska, do hereby command all bands or companies of men, leagued together for the purpose aforesaid, or for other unlawful purposes, within this territory, to immediately disband and return to their homes, or at least to leave the territory; and in case they, or any other parties are hereafter found within the limits of the territory engaged in acts of robbery, or in any way disturbing the peace of our citizens, all the powers of the territory both civil and military, will be brought to bear against them, and if taken such severe punishment as justice demands will be executed without fear or favor.

"Given under my hand and the great seal of the territory, at Omaha, this 2d day of January, A. D., 1862.

"By the governor,
"ALVIN SAUNDERS, [L. S.]
"Algernon S. Paddock,
"*Secretary of the territory.*"[3]

The press was crowded with communications discussing the subject, which show that the settlers were between the fires of alleged union, as well as secessionist lawbreakers. A part of one of these communications reveals the conditions:

"Pawnee says we are between two fires—that of secessionists and union jayhawkers! Well, I think we can stand all such fires. We are able to put down jayhawking, and if Secesh shows his head on this side of the river, we will put him down too . . . I would inform Pawnee that those self-styled union jayhawkers have deceived a great many good people. They have made them believe that they were only stealing from rebels, which is not the fact."[4]

A league of citizens was formed at Nebraska City for protection against these marauders, and over two hundred citizens, members of the league and divided between the two political parties, signed the following oath:

"I solemnly swear that I will bear true allegiance to the United States, and support and sustain the constitution and laws thereof, that I will maintain the national sovereignty, paramount to that of all states, county or

[1] Laws of Nebraska, 8th Ter. Sess., p. 103.
[2] House Journal, 8th Ter. Sess., p. 115.
[3] Nebraska *Advertiser*, January 9, 1862.
[4] Ibid., January 23, 1862.

confederate powers, that I will discourage, discountenance, and forever oppose secession, rebellion and disintegration of the federal union, that I disdain and denounce all faith and fellowship with the so-called confederate armies, and pledge my honor, my property and my life to the sacred performance of this my solemn oath of allegiance to the government of the United States of America. We further pledge our lives, our property and our honor, to protect each and every member of this league in person and property, from all lawless marauders."[1]

Two alleged jayhawkers, arrested in Johnson county, were brought to Nebraska City, where one was shoved under the ice of the frozen Missouri river, and the other was released and then followed and shot dead. The local journal virtuously denounces these acts as murders and then virtually upholds them in the following whimsical style:

"Catch a jayhawker or anybody else in the act of stealing your horse, shoot or hang him with all convenient dispatch; but don't do it unless you are sure, beyond peradventure of a doubt: your own or the belief of any other man, is not sufficient warrant to take the life in punishment of any person, no matter how much against him public opinion or appearances may be. Every scoundrel has a right to his life, until well-known and proven facts show that he deserves to lose it. And then, if life is to be taken, let it be done openly, in daylight, by some one having authority—a committee appointed by a public meeting. Executioners so authorized, and doing such a duty, need not be troubled about their responsibility—for that rests with the people—and if the people, in pursuing such a course, act dispassionately and upon direct proof, they will be able to bear the brunt of all blame.

"But don't let us have any more persons—jayhawkers, and horse-thieves included—chucked under the ice. It is murderous, unwarrantable, and very cold."[2]

But that cold-blooded tragedy was the culmination of the era of lawlessness, and soon after it was announced that "jayhawking is about played out in Kansas and Nebraska," General Hunter "having taken decided steps in his department."[3]

The Bellevue palliative—a memorial for a $40,000 penitentiary to be located there—was repeated. On the breaking out of the Civil war the Indians were quick to see their opportunity for mischief, and the legislature asked Congress to authorize the governor to raise five companies of soldiers, to be paid and equipped by the United States, for protection against "the various tribes of Indians whose propensities to molest and destroy have been increased by reason of neglect on the part of incompetent and, in instances, traitorous agents, who have heretofore had charge of them." The memorial recited that the territory was without arms for defense against this danger or the means to buy them.

An attempt was made at this session to pass an apportionment bill on the basis of the last vote for delegate for Congress, and later, when the result of the United States census became known, on the population as therein determined; but North Platte interests were able to defeat the measure. There was bitter complaint of the inequity of existing representation in the legislature.[4] According to the census the North Platte section contained only 8,478 people against 18,031 in the South Platte; and by distributing the population of the frontier districts between the two sections partisans of the southern section counted 10,824 for the North Platte and 18,012 for the South Platte, a difference of 7,188.[5] This controversy showed that there had been no real abatement of the sectional spirit:

"There is no avoiding a sectional contest for congress next fall. Let South Platte stand by her own men, and if we have a session of the legislature next winter, let the members of the same south of the Platte elect as officers her own men. This is the doctrine. . . . Omaha is a great place, but her greatness consists in selfishness and concentrated meanness."[6]

The territorial conventions of both political parties met at Omaha on the 20th of September. There had been much profession on both sides of a desire to ignore partisanship in the nominations and strike a single war and union

[1] Nebraska City *News*, January 4, 1862.
[2] Ibid., January 25, 1862.
[3] Nebraska *Advertiser*, February 20, 1862.
[4] Nebraska *Advertiser*, January 23, 1862.
[5] Nebraska City *News*, February 1, 1862.
[6] Nebraska *Advertiser*, January 9, 1862.

key-note; and even the nomination of the same candidate by both conventions was advocated. In the Republican convention there was a fierce contest for the nomination for delegate to Congress, and Mr. Daily did not succeed in winning it until the forty-fifth ballot. His contestants were Dr. Gilbert C. Monell of Douglas county, John Taffe of Dakota county, and William H. Taylor of Otoe county.

John Q. Goss,[1] who still lives at Bellevue, where he was then living, was president of the Democratic convention, and J. M. Woolworth, chairman of the committee on resolutions, is still in vigorous life at Omaha, where he then resided.[2] The platform adopted by the convention is doubly interesting as indicative of the sentiment of the democrats in those early days of the Civil war, and as the product of a man who was to become an eminent lawyer and citizen of the state.

The sentiment of the convention was decidedly in favor of nominating J. F. Kinney as candidate for delegate to Congress; but A. J. Poppleton hotly opposed Kinney, charging him with recreancy to the Democratic party in retaining the office of territorial judge in Utah under the republican administration, and that he was a non-resident. Kinney kept himself well in hand, and made a judicious speech, insisting that he had not lost his residence in Nebraska, that his family were still living at Nebraska City, and that it was no offense to continue to hold the office in question, especially since he had gone to Washington and offered his resignation to President Lincoln, who persistently refused to accept it. On the first regular ballot Judge Kinney received all the votes of the convention except the ten from Nemaha county, which were cast for Mr. Poppleton.

[1] John Q. Goss, Bellevue, Nebraska, was born in Somersetshire, England, March 8, 1827, and emigrated to America, June 2, 1844. He resided in Ohio until the spring of 1859, when he removed to Bellevue, Nebraska. He was married May 16, 1850, to Miss Mary J. Taylor of Mercer county, Pennsylvania, who died in Bellevue, Nebraska, January 30, 1873. He was again married November 17, 1874, to Miss Rebecca J. Reed of Clearfield county, Pennsylvania. In 1860 he was elected a member of the territorial council and in 1862 was appointed quartermaster general of the territory. In October, 1862, he enlisted as a private in company D, 2d Nebraska cavalry, and April 5, 1863, was appointed commissary of the regiment with the rank of first lieutenant. He served under General Sully in the campaign against the Indians in Dakota and was honorably discharged in December, 1863. In 1864 he was elected county clerk. He also served several terms as mayor of Bellevue. In 1859 he was appointed a member of the board of school examiners of Sarpy county, holding the office for ten years. In politics, Mr. Goss was always a democrat. Of his three children, Emma S. was born in Belleville, Ohio, July 31, 1856, was married at Bellevue, Nebraska, August 2, 1875, to David E. Thompson, and resides in Washington, D. C.; Charles C. was born in Bellevue, Nebraska, in 1859, and died October 5, 1880; and John Q. Goss, Jr., was born in Bellevue, Nebraska, November 5, 1861.

[2] Following is the full report of the proceedings of the convention, held in the capitol building, at Omaha, on August 20, 1862:

"Convention called to order by George Armstrong, chairman of the territorial committee. John Q. Goss, of Sarpy was elected temporary president and Milton W. Reynolds of Otoe, secretary. On motion of Roger T. Beall, of Washington, a committee of five on credentials was appointed, consisting of Messrs. Roger T. Beall, Thomas Fleming, Michael M. Tracy, Stearns F. Cooper, and Andrew J. Hanscom.

"The committee reported that delegates were entitled to seats as follows: L'Eau Qui Court county: James W. Virtue (by proxy) 1 vote; Cedar: James W. Virtue, (by proxy) 1 vote; Dixon: Michael M. Tracy, (by proxy) 1 vote; Dakota: Michael M. Tracy, James W. Virtue, 3 votes; Burt: Charles F. Porter, 1 vote; Washington: Paris G. Cooper, Roger T. Beall, Abram Castetter, George W. Doane, 4 votes; Douglas: William A. Little, James M. Woolworth, Phillip Cassidy, Vincent Burkley, Andrew J. Hanscom, Thomas Davis, Joel S. Smith, Edward Creighton, Aaron Cahn, John I. Redick, Joseph F. Pugsley, James H. McArdle, Samuel P. Reed, Henry Cassidy, 14 votes; Sarpy: John Q. Goss, Amos Gates, Dr. Green B. Nicholson, and William Cleburne, 4 votes; Cass: Stearns F. Cooper, Elijah Giles, Samuel R. Johnson, Wheatley Micklewaite, Elijah Barker, James R. Porter, Jeremiah S. Carr, and Conrad Ripple, 11 votes; Otoe: William L. Boydston, Milton W. Reynolds, Francis Bell, John H. Maxon, Elihu Cleveland, Horace H. Harding, Oliver Stephenson, Houston Nuckolls, William McLennan, Rockwell O. Thompson, David F. Jackson, George W. Sroat, W. G. Hackett, Robert R. Andrews, 14 votes; Nemaha: Thomas W. Bedford, Henry C. Lett, 10 votes; Richardson: Thomas Fleming, William P. Morris, Abram P. Forney, Benjamin Ackerman, Richard Coupe, Eugene H. Johnson, Felix Kitch, Freeman Pollard, Chauncey Norris, Charles Hergisheimer, 10 votes; Kearney: Samuel F. Burtch, 1 vote; Johnson: Israel Loomis, H. L. Harvey, 2 votes; Lancaster: P. Schaffer, 1 vote; Platte: John Rickley, Joseph Russell, Edward A. Gerrard, 3 votes; Cuming: Lorenzo Hobbs, (by proxy) 1 vote; Gage: J. Wilson Bollinger, 1 vote; Pawnee: William H. Curtis, Rufus Abbott, and Joseph H. Frye, 3 votes. The counties of Lincoln, Buffalo, Clay, Dodge and Hall, each entitled to one vote, were not represented. Mr. Harding moved to allow Gage county to cast two votes. Mr. Hanscom moved to amend by including Dixon.

"Amendment and afterwards original motion were adopted. The report of the committee was accepted and adopted. Messrs. Bedford and Lett, from Nemaha county, were admitted to seats in the conven-

We have other testimony that the resolution complimentary to Colonel Thayer, which it is said in the proceedings of the convention was rejected, was in fact adopted by that

tion, upon a petition signed by a portion of the democrats of that county. The committee on permanent organization was as follows: Messrs. Horace H. Harding, Stearns F. Cooper, James W. Virtue, Lorenzo Hobbs, Michael M. Tracy, William A. Little, J. Wilson Bollinger, Samuel F. Burch, P. Schaffer, Thomas W. Bedford, William H. Curtis, John Rickley, Eugene H. Johnson, Dr. Green B. Nicholson, George W. Doane. The following were the permanent officers of the convention: President, John Q. Goss of Sarpy; secretary, Stearns F. Cooper, of Cass; assistant secretary, Charles F. Porter, of Burt. Report accepted and adopted.

"On motion of Mr. Woolworth, a committee of seven was appointed on resolutions, consisting of the following gentlemen: Messrs. James M. Woolworth, Milton W. Reynolds, James W. Virtue, George W. Doane, Charles H. King, Edward A. Gerrard, Rufus Abbott. Mr. Woolworth reported the following resolutions:

"'Resolved, As Americans, actuated by the loftiest patriotic impulses, we declare ourselves earnestly, and against all discouragements, in favor of carrying on the present war by the constituted authorities, and by the use of all constitutional and legitimate measures, until the federal power shall be recognized throughout the limits of the seceded states.

"'Resolved, As democrats, we declare our unrelenting hostility to all favoritism, extravagance, and corruption in the public service. We applaud the resolution of the administration, which, withstanding a fanatical faction, has determined to employ the negro in menial and not in martial service; and we admire the self-sacrifice, devotion and heroism of the foreign element of the federal army.

"'Resolved, As Nebraskans, whose good name is inseparable from the renown of the territory we recommend the promotion of Col. John M. Thayer of the Nebraska 1st, and regret the untimely death of Lieut. Col. McCord, which has deprived our country of a patriotic warrior—our territory of a brilliant son—and ourselves of a friend and brother; and we believe the generalship, bravery and reputation of Col. Thayer, and the valor and renown of our favorite regiment reflect glory on Nebraska and on us, her sons.'

"A motion by Mr. Woolworth to amend the second resolution by the following addition thereto was defeated by a vote of 34 to 56:

"'We are opposed to all needless interference with the legitimate powers of the states, and the constitutional rights of the citizens; and in favor of the domination of the white over the black race.'

"The third section was rejected entirely.

"On the informal ballot Alfred H. Jackson received 11 votes; Andrew J. Poppleton 21 votes; William E. Harvey 21 votes; John F. Kinney 21 votes; James R. Porter 12 votes. Mr. Porter (of Cass county) withdrew his name from the convention. George W. Doane withdrew from the convention on account of a controversy over his right to represent Washington county which was precipitated by Andrew J. Hanscom. Mr. Hanscom addressed the convention about 15 minutes in favor of the nomination of Mr. Poppleton. Mr. Kinney made a speech of some length pleading for harmony and closed as follows:

"'As for the nomination he never felt any solicitude until the onslaught made upon his personal character, by the Douglas county delegation. No such feeling as that manifested in that delegation existed in the delegation from Otoe county. He and his Otoe county friends came here determined to yield a hearty, cordial, earnest support to the gentleman presented by Douglas county, if he was nominated. That candidate was a gentleman and a sound democrat, and he (Judge K.) would help him with his whole heart. We think him a rising young man and we can support him. And I am satisfied that the democracy of Douglas county will not refuse me their support; that if this convention presents me to the people, Douglas county will give me 100 majority and over in October.

"'My name is now with my friends. The proposition to withdraw Mr. Poppleton, if I am withdrawn is for them to pass upon. Under the circumstances, I cannot advise. They must take their own course.'

"Mr. Poppleton made the following fiery retort:

"'I come before the members of this convention and ask their suffrages as a democrat, and not with the black flag of republicanism in one hand and my democracy in the other. I do not hold an office under Mr. Lincoln, and then have the audacity to ask you to confer upon me the honor my friends seek for me. I am, too, a citizen of Nebraska—I have never denounced the territory, nor any county in it. I have labored for the party, and for the territory with all the best though humble powers I possess. On the other hand, you are called upon to nominate Judge John F. Kinney, or break up this convention. Do you want to nominate for your delegate in congress, a citizen of another territory, and that Mormondom? Do you want to nominate a man who supports the black flag of republicanism by holding an office under Abraham Lincoln, and who has so little faith in his chances for success that he will not resign that office? Do you want a man who renounces Nebraska by asking for a United States senatorship in Utah? Or a man who has decried and denounced Douglas county? A man who has never labored for the party, or, if he has worked, with but a milk-and-water support? Douglas county does not want to break up this convention. She wants harmony. But harmony cannot be had if Otoe county pertinaciously insists that Judge Kinney and nobody else shall be nominated. My name has been withdrawn. My friends will give me up—immolate me on the altar of peace, if Judge Kinney shall be also withdrawn. My friends will again come in and help to nominate a democrat, if Otoe county and the adherents of its candidate, will do the same. Nominate a man who is a citizen and not a federal office-holder in another territory, and who has not denounced Douglas county, and the whole democracy will support him, and no one of the party sooner than myself. I withdraw. I desire to preserve by withdrawal my freedom to say whether the nominee of this convention is a democrat or not.

"'As for the bargain with the Otoe county delegation two years ago, that if my friends would then support Mr. Morton, his friends should support me now, that statement is true.'

"Mr. Poppleton afterward charged that Judge Kinney was neither a citizen nor a democrat.

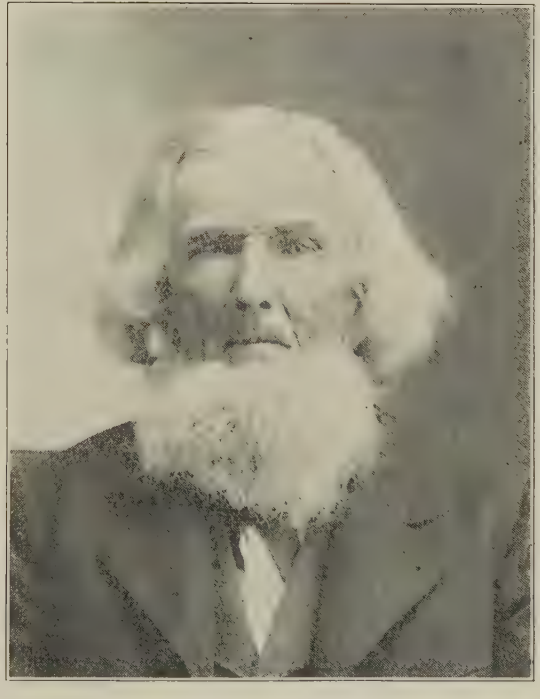
"Kinney replied as follows:

"'As to holding office in Utah, I have to say that under Mr. Buchanan's administration I was offered

COL. GEORGE ARMSTRONG
OMAHA PIONEER

MRS. JULIA EWING ARMSTRONG
WIFE OF COL. ARMSTRONG

ROLLIN M. ROLFE
PIONEER OF OTOE COUNTY



NEDOM B. WHITFIELD
PIONEER OF NEMAHA COUNTY

body, and the Republican convention held the same day passed a similar resolution.[1] The contest in the convention was the old Omaha fight over again. The Douglas delegation had seceded when they found that Poppleton's nomination for delegate to Congress was impossible, and the *Nebraskian,* the Omaha democratic organ, opposed Kinney, a resident of the hated Otoe county, on the ground that Daily was more satisfactory to Omaha. A. J. Hanscom, "formerly a democrat, and one of the big guns of Douglas county," was quoted as saying that he was "an Omaha man and nothing else," that he "went only for Omaha in this campaign," and supported Daily "because he has pledged himself to work for Omaha." Like the blind or the deaf, whose other senses, by reason of the defect, become the more acute, so Daily, unlettered in all other respects, was almost superfluously schooled in the devious arts of practical politics. In his campaign against Morton—the original leader and consummate partisan of the South Platte—he had been able to persuade the democratic organ of southeast Nebraska, the *Advertiser,* to his support on the ostensible ground of standing for South Platte interests; and now, discerning that he had become in some sort shelf-worn in his home district, and the election returns from the leading South Platte counties confirmed the clearness of his vision, he gained an offset by cajolery of the North Platte. Specifications as to Daily's new alliance with the North Platte were furnished:

"When we heard three weeks ago that the Pacific railroad bill, (in which a point at or near the mouth of the Platte river was named as the initial of a branch through the territory), had passed the House, we said we wanted the bill to become a law whether we got a branch South of the Platte or not. This was upon the understanding that southern Nebraska was to have an equal chance in the selection of the route, with North Platte. . . .

"But it seems that we are to have no showing at all. The two incorporators to represent Nebraska in the organization of the company are two of the bitterest North Platte men who could have been named—Dr. Monell and A. Kountze—both of them residents and property holders in Omaha and speculators in the paper towns along the North Platte route to the mountains. Northern Nebraska with 9,000 residents; taxable property amounting to only $3,000,000 and capacity for a population all told, of less than 400,000, has two incorporators; while southern Nebraska with a population of over 19,000; taxable property of nearly $5,000,000; and a capacity for sustaining upwards of 1,000,000 men, women and children, is to have no voice in the organization of the company. . . .

"When Skisms wrote a letter, dated the 17th of September, 1860, pledging himself to procure an appropriation of land from congress to build a railroad west from Brownville, he did so with a view to securing the vote of Nemaha county. That letter was intended for Nemaha county circulation, and

the position I now hold, and at once declined; and I did not know of my nomination to the post until my commission arrived. Since the new administration came in I have been in Washington. I called on the president and proposed to resign. He said he did not want me to. I told him that if I retained the appointment, I could not and would not sacrifice a single democratic feeling, not one opinion of democratic principles; and not one iota of my democratic character. He was satisfied with my position and I retain the office.

"'That I am not a citizen is a charge equally absurd. All my property is in Nebraska territory; my family have not for five years resided elsewhere than in Nebraska City. I have myself been absent from the territory but twice in that time.'

"Alfred H. Jackson in a speech withdrawing his name from the convention admitted that he too was guilty of holding office under the new republican administration but protested that it had not tainted his democracy. He said he was one of those unfortunate officials who held over under a republican administration. He was born a democrat, and was nurtured upon democratic milk. Before God he believed that his democratic garments were not tarnished because he chose to keep an office under a republican administration. And he thought that an objection to a candidate upon such a ground was the extreme of idleness. Even so humble an individual as himself, he thought, might afford to hold unquestioned an office under Abraham Lincoln, when such men as John A. Dix, Andrew Johnson, Josiah Holt, Edward M. Stanton, George B. McClellan, Henry W. Halleck and Benjamin F. Butler could afford to be under and obey him.

"On the first regular ballot Judge Kinney received all the votes cast except the ten of Nemaha county which were given to Mr. Poppleton. The account of the convention states that, 'Washington and Douglas counties were understood to have withdrawn.' The following territorial central committee was appointed: John H. Maxon of Otoe county; John Q. Goss of Sarpy; Jeremiah S. Carr of Cass; George Armstrong of Douglas; Elias H. Clark of Washington; Thomas Fleming of Richardson; George W. Crow of Nemaha; Edward A. Gerrard, of Platte; James W. Virtue, of Dakota."

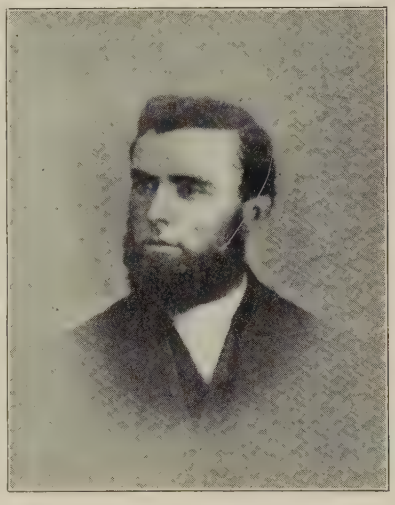
[1] Nebraska City *News,* August 30, 1862.

he got the vote. He made similar secret pledges in Cass and Otoe counties. Hon. William H. Taylor, and the rest of his stump-speakers, endorsed them—promising all things in his name. In these three counties Daily got majorities.

"Now what does he do? He not only violates every pledge he then made; but his personal vanity assuring him that he owns South Platte, by giving the 'Omaha clique' the whole voice in the preliminary organization and location of the Pacific railroad connection through the territory."[1]

Notwithstanding that the opposition showed that Daily had not, during three sessions, obtained a single appropriation for public works in the territory, and had purposely, it was charged, failed to obtain an appropriation for finishing the capitol which was "going to ruin" through neglect, and the fact that W. H. Taylor and O. P. Mason, the two leading republicans of Otoe county, opposed him, his superior campaigning qualities pulled him through with a majority of 136. Daily had, and doubtless deserved the reputation for being the best campaigner, among republicans at least, in the territory,[2] and this year his strident and magnetic denunciation against "this yer slave oligarchy" was particularly effective. There was the usual charge of frauds in the elections in Richardson county; and of Falls City, home of Dundy, Daily's political manager, and whence he was to emerge presently, through Daily's reciprocal favor, as associate justice of the supreme court,[3] the *News* said:

"Falls City is the head-quarters of the Daily clique in the territory, and we were prepared for gross illegality, but we confess not to the extent that present reports indicate. The nine month regiment has figured prominently in the campaign, government officers promising democrats positions if they would support Daily. We doubt not at least one hundred men have been subsidized by assurances of the appointment of colonel of this regiment."[4]



WILLIAM HARTFORD JAMES[5]
SECOND GOVERNOR OF THE STATE OF NEBRASKA

But for the first time since the first election in 1854 the contest was not carried to Washington.

The direct or war tax of $19,312 levied upon the territory by the federal government in 1861, modest as the sum seems in the eyes of the children of the squatters, was a cause of great solicitude to them in their still impecunious condition. At the urgent request of the people, preferred in various ways, Congress credited the territory with this tax in lieu of the usual appropriation of $20,000 for the expenses of the legislative session.

[1] Nebraska City *News*, June 7, 1862.

[2] Nebraska *Advertiser*, October 25, 1862.

[3] The *Nebraskian* (October 20, 1863) gives an account of a meeting of the Douglas county bar of which Experience Estabrook was president and Charles H. Brown, secretary. The preamble to the resolutions adopted begins as follows: "Whereas, At a meeting of the bar held at Nebraska City on the 4th inst., resolutions were adopted impugning the integrity, ability and judicial standing of Elmer S. Dundy, associate justice of the supreme court." The resolutions charge that the Douglas county bar had been misrepresented in the resolutions of the Nebraska City anti-Dundy bar meeting, with reference to the trial and conviction of Cyrus Tator; and they approve every judicial act of Judges Dundy and Kellogg at the last session of the supreme court. Mr. Brown was prosecutor in the Tator trial. The *Nebraskian* observes that it would have been better for Dundy to have obtained an endorsement from the bar of his own district, but "this has been positively and emphatically refused him," and a recommendation originally reported in the resolutions that Dundy be confirmed by the senate was stricken out. It was remarked that Poppleton, Woolworth, Hanscom, Lake, Hitchcock, and many other prominent members of the Omaha bar did not attend this meeting.

[4] Nebraska City *News*, October 18, 1862.

[5] William Hartford James was born at Marion, Ohio, October 15, 1831. His father was a native of Maryland, a tanner by trade, who moved to Virginia, and in 1828 emigrated to Ohio, where he died in 1868. He served in the American army in the War of 1812 and was later a member of the state legislature of Ohio. William H. James, whose mother was a native of Vermont, was the seventh child in a family of eleven. He received his education in the public schools, supplemented by two years in an academy at Marion, Ohio. His early years were devoted to

There was accordingly no session in 1863, though there had been no authoritative expression of public sentiment on the subject, and members were chosen generally at the fall election. Omaha was of course loth to forego the financial and other profits of a legislative session, but the *Republican* was the only newspaper in the territory which did not advocate its omission.[1] It seems odd to people of the present day that but a generation ago it was deemed a hardship or sacrifice to forego a session of the legislature, especially as in the meantime annual sessions have been generally discarded by the public judgment, and even biennial meetings are by no means in high favor. William E. Harvey, democrat, was reelected auditor; and Augustus Kountze, "a conservative republican,"[2] was elected treasurer of the territory in 1863. The *Nebraskian* announced the candidacy of both without nomination by a convention.

In the meantime the grim business of war had taken the place of partisan politics, largely, in the public mind.[3] There was much solicitude and controversy as to the ability of the territory to defend itself against border ruffianism on the south and Indian depredations along the whole western border, and strong opposition to sending the 1st regiment out of the territory. The resignation of Lieutenant-Colonel Downs of the 1st regiment is explained on such grounds:

"When the regiment was organized it was upon the distinct understanding, expressed in a letter from Mr. Secretary Cameron, that it was not to be ordered out of the territory. Many of the officers and men repaired to the rendezvous, leaving their private business unsettled. When the order came to go to Missouri, an order obtained mainly through the anxiety of Col. Thayer to show himself, Lieut. Col. Downs (brigadier general under the volunteer organization act of 1856) went with the first battalion, and he did not even have time to visit his family."[4]

Constant depredations soon vindicated this fear and protest; and in the summer of 1864 the regiment was sent back to Nebraska for service against the Indians.

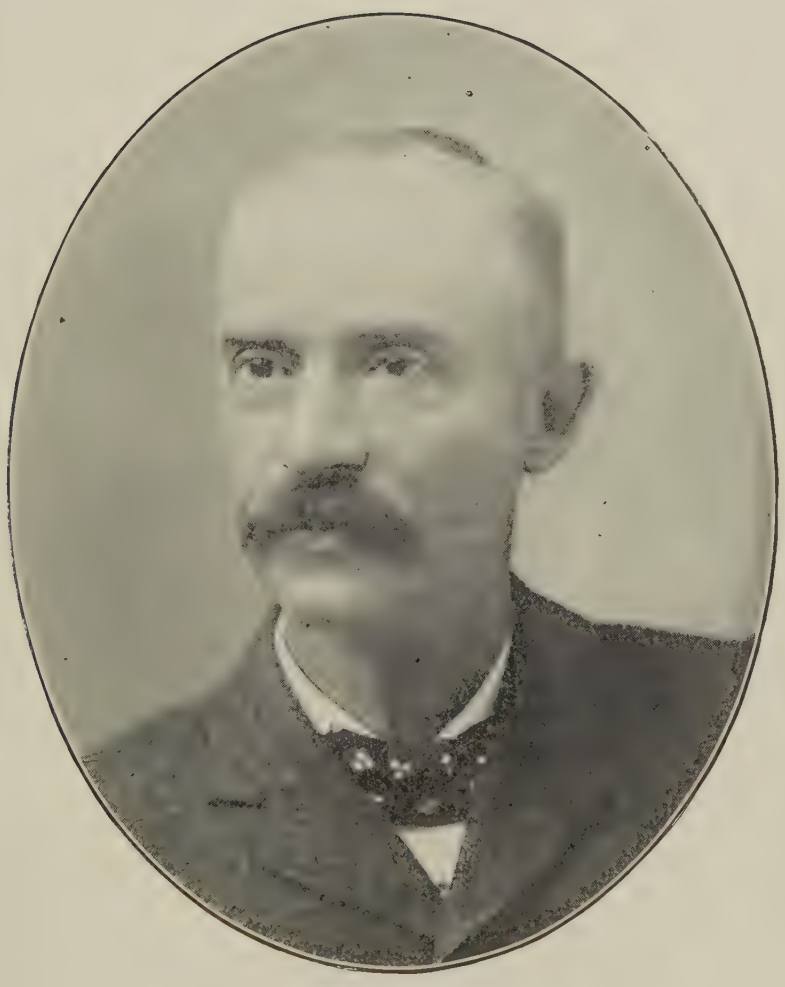
farming, clerking, and learning the saddler's trade. Having read law to some extent, he removed to Des Moines, Iowa, in 1853 and entered the law office of Bates & Finch. Six months later he was admitted to the bar and removed to Sergeant Bluff, Woodbury county, Iowa, where he began the practice of his profession. He had come west for the purpose of locating in Nebraska and remained at Sergeant Bluff only until the territory was open for settlement. He was one of the first settlers in Dakota county, where he had filed on a claim some time previous to 1857. In the latter year, and before his removal to Nebraska, he was married to Miss Louisa Epler, a daughter of David Epler of Marion, Ohio. During his residence of fourteen years in Dakota county, Mr. James was engaged in the practice of law and surveying. He was one of the first trustees of Dakota City and one of the first board of aldermen. He was president of a Democratic mass convention held at St. Johns, July 11, 1857. He was appointed register of the Dakota land office in 1864, by Abraham Lincoln, and served five years. He was county attorney of Dakota county in 1861 and again in 1863 and was appointed justice of the peace of Dakota precinct, April 2, 1860. In the fall of 1870 Mr. James was elected on the republican ticket as secretary of state, and by virtue of his office became acting governor after the impeachment of Governor David Butler. In 1877 he removed to Colfax, Washington, where his wife died in 1904, and where he still resides. Mr. James has three daughters and a son living. The latter lives at Umatilla, Oregon.

[1] Nebraska *Advertiser*, April 10, 1862.

[2] Omaha *Nebraskian*, October 2, 1863.

[3] The Nebraska City *News* (July 19, 1862) contains a characteristic editorial—evidently by Morton—which prescribes a middle-of-the-road policy for the Democratic party's now alarming symptoms of decline: "We differ with many of our democratic brethren in the territory. We are in favor of straight-out party lines—the old national democracy on one side and all other isms, except conservatism on the other." But a more liberal or patriotic policy is begun, and men are advised to volunteer under the new call for three hundred thousand, notwithstanding that Nebraska is omitted from the call, and "has now more troops in the field in proportion to her voting population than any of the states."—(Nebraska City *News*, August 2, 1862.) Notwithstanding that the Republican party has lost sight of the great object—preservation of the Union—"and has directed its energies towards changing the condition of the nigger," yet "out of sixty-two men whom we personally know on the muster roll of seventy-seven, Company D, Nebraska First, after the fight at Donelson, *forty-seven* were democratic voters of Otoe county."—(Nebraska City *News*, August 16, 1862.)

[4] Nebraska City *News*, January 18, 1862.



W. S. Harding.

# CHAPTER XIV

NINTH LEGISLATURE—CONSTITUTIONAL CONVENTION, 1864—POLITICAL CONVENTIONS, 1864—TENTH LEGISLATURE—REAPPOINTMENT OF GOVERNOR SAUNDERS—POLITICS IN 1865—ELEVENTH LEGISLATURE—THE FIRST STATE CONSTITUTION

THE ninth session of the legislative assembly began January 7, 1864.[1]

The apportionment remained unchanged, and it had grown outrageously inequitable and at the expense of the South Platte. The *Advertiser* had groaned under the inequality in 1863, and the *News* insisted that Governor Saunders possessed and should exercise the authority to reapportion the legislative districts. Notwithstanding that irregularity of procedure was still common, the governor, whose capital residence was in the North Platte country, would have no mind to attempt to override the apportionment made by the legislature, clearly under the exclusive power conferred by the organic act, even in so clear a case of misrepresentation.

Allen[2] of Washington county was elected president of the council, receiving 9 votes against 2 for Marquett of Cass county;[3] and the disposition of the legislature to avoid drawing party lines was shown in the unanimous election of George B. Lake of Douglas county for speaker of the house.[4]

After a tribute to the soldiers, who were now first in the thought of the politician as well as the patriot, the governor's message hastens to get out of tune with the non-partisan notes of the territorial press and platforms by taking partisan credit for the passage of the homestead law:

"You had repeatedly memorialized congress on this subject without avail. In fact, its success, though so just to the settler and so wise as a measure of national policy, seemed hopeless while the reins of government were held by such men as controlled the administration, preceding the inauguration of our present chief magistrate. The honor of the prompt passage of this great measure is due to President Lincoln and his political friends in congress. I deem it but just that we who are so deeply interested in, and so largely benefited by the success of this

[1] Following are the names of members of the council: Representing *Burt* county, Frank Welsh; *Burt, Sarpy,* and *Washington* counties, jointly, Henry T. Clarke of Sarpy; *Cass* county, Turner M. Marquett; *Cass, Dodge,* and *Otoe* counties, James E. Doom; *Cedar, Dakota, Dixon,* and *L'eau-qui-court* counties, Alfred H. Jackson; *Douglas* county, William A. Little, John McCormick, John R. Porter; *Nemaha* and *Johnson* counties, Thomas R. Fisher of Nemaha; *Otoe* county, Dr. John C. Campbell, Oliver P. Mason; *Pawnee, Richardson, Gage,* and *Jones* counties, David Butler of Pawnee county; *Washington* county, Edwin A. Allen. The thirty-nine members of the house were as follows: Representing *Burt* and *Cuming* counties, Lorenzo Hobbs; *Buffalo, Hall, Kearney,* and *Lincoln,* Frederick Hedde; *Butler, Platte, Saunders,* and *Seward,* John P. Becker; *Cass* and *Lancaster,* John W. Chapman, John S. Gregory, Jr., Robert O. Hoback, Henry C. Pardee, Levi G. Todd; *Cedar, Dakota, Dixon, L'eau-qui-court,* James O. Fisher; *Cedar, Dixon, L'eau-qui-court,* Nathan S. Porter; *Clay, Gage,* and *Johnson,* John Cadman; *Dakota,* Josiah W. Davis, Cornelius O'Connor; *Dodge,* Rev. Isaac E. Heaton; *Douglas,* Daniel Gantt, Henry Grebe, Benjamin E. B. Kennedy, George B. Lake, John Ritchie, Joel S. Smith; *Nemaha,* Charles G. Dorsey, George W. Fairbrother, Joseph Lash, Lorenzo Rice; *Otoe,* Allen T. McCartney, William McLennan, Henry A. Newman, Frederick Renner, Charles W. Seymour, Francis Sim; *Pawnee,* George L. Griffing; *Richardson,* Lewis Allgewahr, M. W. Bremen, Justus C. Lincoln; *Sarpy,* Corrington Blanchard, Amos Gates, John Whalen; *Washington,* John Evans, Hans J. Rohwer.

[2] Edwin A. Allen settled at De Soto, Washington county, in 1857 and served as county commissioner in 1860 and 1861. At the same time he was engaged in the law and real estate business with R. T. Beal as a partner. Mr. Allen afterward removed to Omaha, where previous to 1868 he was engaged in the wholesale and retail drug business. He was a member of the city council of Omaha in 1870 and was president of the council and acting mayor in 1872. He was one of a committee to receive President Grant and his party when they visited Omaha, Nov. 1, 1875. Mr. Allen represented Washington county in the lower house of the 8th territorial assembly. He was elected to the council in 1863, reelected in 1865, and was president of the 9th session in 1864. He removed to North Loup, Valley county, about 1871 and died Jan. 8, 1898.

[3] Council Journal, 9th Ter. Sess., p. 4.

[4] House Journal, 9th Ter. Sess., p. 5.

measure, should obey the injunction of the sacred writer by rendering 'honor to those to whom honor is due.' "[1]

It is true that there had been opposition to homestead bills under democratic administration on the part of slaveholders, jealous of the growth of the unfriendly Northwest; but others, on conservative grounds, had hesitated to at once espouse this new and radical measure, and the sentiment in its favor had been of gradual growth. To-day the wisdom of the law, as it has been administered, is questioned by many wise men, just as the unguarded land subsidies to railway companies have been condemned. Even the governor's high imaginings are inspired to an unwonted loftiness of flight in contemplation of this gift of empire without money and without price. "What a blessing this wise and humane legislation will bring to many a poor but honest and industrious family!" And there is a realism, too, in the executive sentimentality which Zola himself might have emulated. "The very thought to such people that they can now have a tract of land that they can call their own has a soul-inspiring effect upon them and makes them feel thankful that their lots (sic) have been cast under a government that is so liberal to its people."

The message takes credit and foresees great gain and glory for Nebraska on account of the passage of the Pacific railway bill:

"In accordance with your memorial on the subject, congress also passed a bill, at the first regular session after the inauguration of the present administration, providing for the construction of the great Pacific railway, commencing on the 100th meridian, within the territory of Nebraska, thence westwardly to the Pacific coast, with three branches from the place of beginning eastward to the Missouri river. One of these branch roads diverges southeasterly to the mouth of the Kansas river, in the state of Kansas, and also forming a connection with the Hannibal & St. Joseph railroad at Atchison; and the other two branches, so called, stretch across our territory—one terminating at the capital of your territory, and the other opposite Sioux City—thus forming a connection at all three points with some of the best roads of the northwest. With these magnificent works successfully prosecuted, connecting directly with the great cities of the Atlantic and Pacific, with the advantages of the homestead, of a virgin and fertile soil, of exhaustless salt springs, with a climate as salubrious as exists in the world—none can hesitate to predict for Nebraska gigantic strides in the attainment of wealth and power."[2]

The message discloses that the indebtedness of the territory has now reached $59,893, and the auditor's report shows that it is chiefly represented by bonds to the amount of $31,225, and warrants, $17,869.54. The message calculates that the debt of the territory is less by $19,162.82 than it was two years before, but the result is reached by rather optimistic and original figuring. The resources counted to offset the debt consist of the uncollected levy of 1863, $17,330.23, of $4,407.76 in the hands of the treasurer—by the auditor's account—and the eternal bugbear of delinquent taxes, making a total of $41,829.59, which, deducted from the debt of $59,893, leaves, by the governor's optimistic arithmetic, an indebtedness of only $18,063.41—or a decrease since the end of 1861 of $18,162.82, as above. Stating the problem another way, it appears that the indebtedness two years ago was $50,399.24, whereas now it is $59,893, an increase of $9,493.76; but as the amount of taxes not collected by the territorial treasurer two years before was $13,173.01 against $37,421.83 at this time, there is at least a nominal reduction as stated above. Moreover, there is a comparatively large balance of $5,375.48 in the hands of the territorial treasurer, and, the message tells us, warrants have risen to 80 or 90 cents on the dollar, from 33 to 40 cents two years before.

Notwithstanding that there had been a ruling by the federal authorities that school lands might be leased, but not sold, for the benefit of the school fund, the message complains that still "we must rely entirely on taxation or voluntary subscription for the education of our youths." In brief, the most palpable fact in the reports of the officers is that poverty is

[1] House Journal, 9th Ter. Sess., p. 12.

[2] House Journal, 9th Ter. Sess., p. 13.

still prevalent in the territory, and that partially on this account, and for the rest on account of inefficient organization, taxes can not be collected with reasonable certainty or dispatch. The much used arguments in favor of statehood are repeated in the message, and the annual appeal for a penitentiary memorial to Congress shows its familiar face. The condition of the laws of the territory is set forth as follows:

"There seems to be a very general desire on the part of the citizens of the territory to have a general revision and codification of our laws, and to have all the laws that are now in force in the territory, together with all that may be passed at your session, bound in one volume. The present laws are made up from acts that extend through the whole of the eight sessions that have been held in the territory, and so many amendments and alterations to our laws have been made during that time that it is with difficulty that persons who are not professionally engaged in the business can find out what the existing laws are."[1]

BENJAMIN E. B. KENNEDY[4]

There was another attempt at this session to devise a practicable revenue law, and again an improvement of the election laws was attempted. General incorporation acts were passed, but they were not exclusive. Benjamin E. B. Kennedy of Douglas county, chairman of the judiciary committee of the house, reported "as to the propriety of passing an act prohibiting the legislative assembly from passing any local or special laws therein enumerated," that the organic act, "which is our constitution," recognized the right to pass special acts, and it would be impracticable to prohibit it; and while it would be commendable to discourage useless and unnecessary legislation, "yet it can scarcely be conceived that meritorious cases may not claim our serious consideration."[2] So it was left to the state constitution to close the gates against this vicious flood of special legislation. The judiciary committee reported also that while they conceded "that great convenience would result from an adequate revision of our laws," yet, "with the debt-doomed treasury, and no guaranty that the federal government would meet the necessary expenses, your committee do not feel justified to recommend it."[3]

By the apportionment law of this session representation from the North Platte section was reduced from seven to six members in the council, and from nineteen to sixteen in the house. This arrangement did not allow all the South Platte was entitled to: but, though in adjusting it the old sectional interests again came into collision, the contest was less bitter and the sectional lines less sharply drawn than usual. On a full vote the North Platte had at this time a majority of one in the council and the South Platte a like majority in

[1] House Journal, 9th Ter. Sess., p. 20.

[2] Ibid., p. 111.

[3] Ibid., p. 112.

[4] Benjamin Eli Barnet Kennedy was born Apr. 20, 1827, at Bolton, Chittenden county, Vt. His father, Samuel Kennedy, was also born at Bolton, May 4, 1789. The latter was a volunteer soldier of the War of 1812 and participated in the battle of Plattsburgh, N. Y. He was a farmer by occupation, but was chosen to several positions of trust and responsibility, among them being that of membership in the legislature and a position as judge of the nisi prius court of his county. Samuel Kennedy married in Essex, Vt., July 22, 1816, Hannah Mosley Morse, the eighteen-year-old daughter of Elijah Morse. He was a son of John Kennedy, who was married to Hannah Barnet about the time of the beginning of the Revolutionary war, in which he did service for his country. At its close he moved with his wife into the wilderness of central Vermont and established a home at Bolton, where they spent the remainder of their days. Benjamin E. B. Kennedy spent the years of his minority at the old home, working on the farm and attending the district school in the winter, which, with one term at an academy, was all the schooling he secured. After he had attained his majority he took up the study of law in the office of Maynard & Edmunds, the latter afterwards United States senator from Vermont, at Richmond, and was admitted to the bar in 1853. Five years later he was admitted to practice before the supreme court of the state. During the same year he removed to Omaha, arriving there Sept. 14, 1858. He early acquired an honored place in the professional and official circles of Omaha, and through all the years of his residence in that city has maintained the place with dignity and honor to

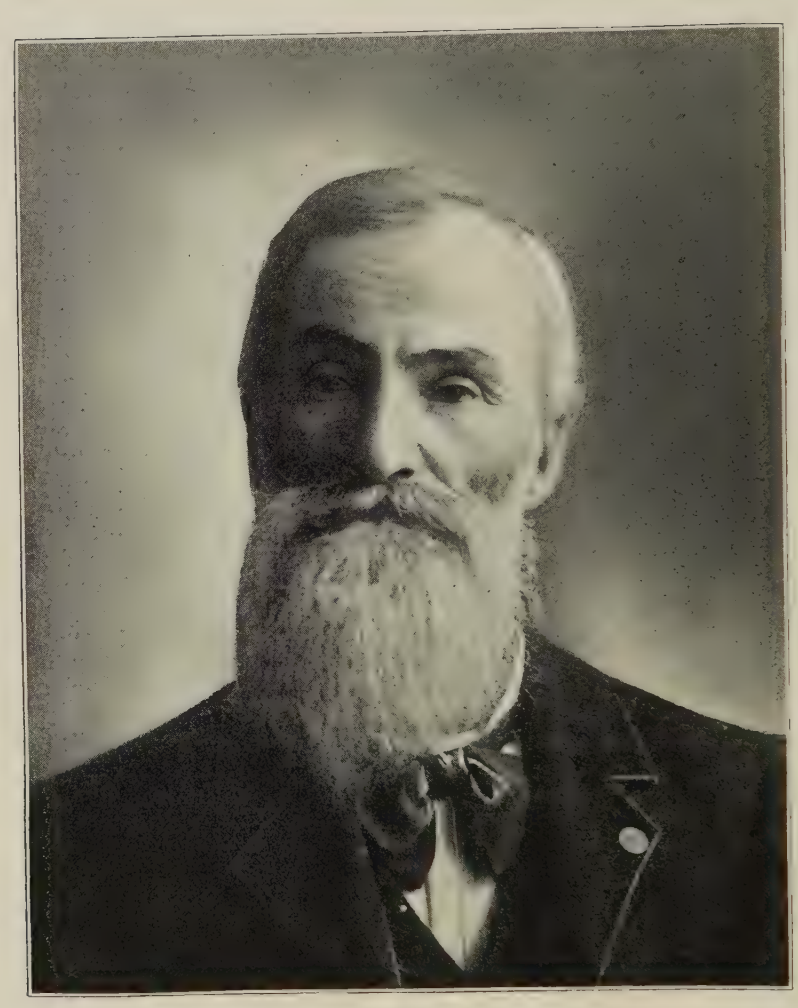
the house. The council forced its amendment of the apportionment of the members of the house[1] on that body,[2] while the house accepted from the council its apportionment bill without attempting to change it;[3] and yet the South Platte members of the council indicated their satisfaction with the apportionment for that body by voting against the amendment proposed and carried by the North Platte to limit the application of the bill to the next legislature.[4] The laws for the encouragement of the growth of fruit, forest, and ornamental trees and grapes were changed so as to provide that their cultivation should not be held to increase the value of land for revenue purposes; and the unsuccessful attempt to pass an act for the encouragement of sheep-raising at the last session was carried out. Clay county was disposed of by attaching its north half to Lancaster and its south half to Gage. The organization of Lancaster was legalized and the officers chosen at the last election declared to be the legal officers; the county was detached from Cass, as to judicial purposes; and "the county of Seward and the counties westward" were attached to Lancaster for judicial purposes.

In 1860 an act was passed authorizing the auditor of the territory to sell, for the benefit of the school fund, a large amount of cast iron which composed columns intended for the capitol, but which could not be used on account of the lack of money to carry out the original plans for the building. The sum of $971.78 was realized from the sale, but the secretary of the territory made demand on the auditor for the money, on the ground that it was part of the funds of the general government for the completion of the capitol. This legislature accordingly authorized the auditor to turn the money over to the secretary. In view of the fact that the city of Omaha had invested more in the capitol than the amount of the federal appropriation, this action was rubbing in the close dealing of the federal father with his impecunious territorial wards.

There was little manifestation of partisanship in this legislature, though the ambitious leaders on the republican side were apt in pushing resolutions in approval of the national administration. A joint resolution by Marquett extending thanks to the Nebraska soldiers in the field passed without opposition, and the measure enabling them to vote, also introduced by Marquett, met with general support; Marquett and Little—republican and democrat—agreed in reporting it from their committee,[5] and the vote of only one

himself, his neighbors, and his adopted home. The foundation of his success and excellent standing as a citizen has been his ability and his conscientious devotion to his profession and the duties it imposed. In politics he has always been a democrat, and he took the freeman's oath and cast his first vote for Lewis Cass in 1848. In 1862 he was elected to membership in the city council of Omaha. In the following year he was elected mayor and served for one year. In the same year he was made member of the board of directors of the Omaha schools, which position he held continuously for nine years. In 1864 he was elected a member of the lower house of the territorial assembly of Nebraska, and was chairman of the judiciary committee. In 1865 and 1866 he was a member of the upper house, or council, where he was also chairman of the same committee, and was in the latter year made chairman of a committee for revision of the statutes. During the year 1866 he was also nominated by the democrats for judge of the supreme court, but failed of election, being beaten by a small majority. In 1865 he was county surveyor of Douglas county, and in 1866 and 1867 was city attorney. As a member of the school board Mr. Kennedy exerted a strong influence in the establishment of the city's excellent school system, and was active in the early school building operations; among the other buildings erected in the time of his official service was the Omaha high school. He was one of the founders of the Omaha Law Library association; was for many years a member of the board of education of the Nebraska State Normal school at Peru, and has been a member of the state fish commission during most of the years since its institution. During the days when the location of the eastern terminus of the Union Pacific was the subject of anxious consideration and spirited contention, Mr. Kennedy was an active Omaha partisan, and he was among the speakers on the occasion of breaking ground for the road in Omaha, Dec. 3, 1863. In 1867 he was made a member of a committee of citizens to influence the building of the present Union Pacific bridge. In 1858, just prior to coming to Omaha, he married Frances G. Nims, daughter of Dr. Reuben Nims, late of Romeo, Mich., who accompanied him to his adopted home and shared with him his years of honor and prosperity. To Mr. and Mrs. Kennedy there were born three children: Fanny Adelaide resides with her father in Omaha; William Hannibal married Nancy Elizabeth McAlvey and lives on a ranch at Kennedy, Cherry county, Neb., they have four children; Charlotte H., deceased, married William Sears Poppleton.

[1] Council Journal, 9th Ter. Sess., p. 92.
[2] House Journal, 9th Ter. Sess., p. 119.
[3] Ibid., p. 113.
[4] Council Journal, 9th Ter. Sess., p. 75.
[5] Ibid., p. 88.



B. H. Fuller

councilman—Campbell of Otoe county—was recorded against it.[1] Marquett also pressed a joint resolution favoring Lincoln and Andrew Johnson for nomination as president and vice-president, which Mason unsuccessfully tried to sidetrack by a motion to refer to the committee on agriculture; but it was passed by a party vote.[2] A joint resolution approving the Emancipation proclamation and the general policy of President Lincoln's administration, including especially the arming of negroes and the amnesty proclamation, passed the council by a vote of 8 to 3,[3] and the house by 29 to 5.[4] By this vote it appears that the only members who stood by the resolution of the Democratic convention of 1862 against arming negroes—reported by Mr. Woolworth—were Campbell of Otoe county and Little and Porter of Douglas, in the council, and Davis[5] and O'Connor[6] of Dakota, Kennedy and Smith of Douglas, and Whalen of Sarpy.

The memorial to Congress praying for appropriate legislation for the admission of the territory as a state passed the council promptly and without division,[7] but in the 35 votes recorded in the house the opposition counted 11,[8] and they were about evenly divided between republicans and democrats. The attitude of the democrats toward the war at this time was indicated by a substitute offered by Kennedy of Omaha for resolutions "on the state of the Union." Mr. Kennedy's resolutions declared in favor of the vigorous prosecution of the war, but also that its "only object should be to put down the wicked rebellion," and that, "in the patriotic language of the immortal Crittenden, the war ought not to be waged on our part for any purposes of conquest or subjugation, or purposes of overthrowing or interfering with the rights or established institutions of those states, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the dignity, equality, and the rights of the several states unimpaired; and as soon as these objects are accomplished the war ought to cease." This substitute was of course defeated, but it received nine democratic votes out of the total vote of thirty-seven on the question.[9] The extreme bitterness of feeling

[1] Council Journal, 9th Ter. Sess., p. 100.
[2] Ibid., p. 186.
[3] Ibid., p. 208.
[4] House Journal, 9th Ter. Sess., p. 214.
[5] Josiah W. Davis, Homer, Dakota county, Neb., was born June 2, 1826, in Guilford, Me. He removed to Grant county, Wis., and worked in the lead mines until 1850, when he went to California. Returning to Wisconsin in 1854, he was married Aug. 31 of that year to Margaret A. De Borde, and was engaged in the hotel business there until 1860. In the latter year he emigrated to Dakota county, Nebraska territory, and settled on Omaha creek. He was elected to the territorial legislature in 1862 and was elected county commissioner Oct. 14, 1873, serving for three years, and in 1892 was candidate for state senator on the democratic ticket. His wife died in 1872, leaving six children, and in 1873 he was again married to Mary O'Chander, having six children by this marriage. Mr. Davis is a veteran of the Mexican war.
[6] Captain Cornelius O'Connor was born Sept. 17, 1821, in County Cork, Ireland. With his parents he came to America in 1829 and resided in Boston, Mass., until 1849, when he went to New York, where he spent the next five years. Coming west he first stopped at Omaha, taking passage from there on a steamboat up the Missouri river, landing at the old town of St. Johns, then known as St. Johns City, May 18, 1857. The following year, Feb. 15, 1858, Mr. O'Connor was elected assessor at the first election held in St. Johns, and the ballot box used at that election is still a treasured possession of the family. He first took a claim on Elk creek, where he lived for several years, and then settled two miles east of Homer, where he resided until his death. Captain O'Connor was a member of the 8th and 11th territorial legislatures, representing Dakota county, and was for more than twenty years a school director. He was a veteran of the Mexican war, and in 1858 was commissioned by Gov. Wm. A. Richardson to raise a company of troops to protect the frontier settlers from Indian depredations. He was married Apr. 3, 1852, to Catherine Duggan of Irish descent. To this union ten children were born, of whom three are living: Cornelius J., Timothy, and Mrs. Helena Green. One daughter, Mary, died in 1887, and Daniel and Julia in 1889. The youngest son, Frank, died July 5, 1890, and soon after Katie and Maggie. Charlotte G. died in 1898. Captain O'Connor was a democrat in politics and always a loyal supporter of democratic principles. He was a progressive farmer and was a charter member of the farmers' club organized in Dakota county in 1886, and which embraced in its membership the most progressive citizens of that county. Cornelius J. O'Connor, cashier of the Homer state bank, the eldest son of Captain O'Connor, is a prominent citizen of Homer, Dakota county, and has filled many positions of trust and responsibility. He was elected county treasurer Nov. 5, 1889, and reelected Nov. 3, 1891. His term of office expired Jan. 4, 1894. He was elected president of the Homer Driving Park and Picnic Ground association, organized in May, 1889. He was the postmaster of Homer after the office was removed from Omadi. His residence is very near the exact site on which Jesse Wigle built his first cabin in 1855–56. Captain O'Connor died Aug. 15, 1902.
[7] Council Journal, 9th Ter. Sess., p. 66.
[8] House Journal, 9th Ter. Sess., p. 82.
[9] Ibid., p. 97.

of certain prominent republicans of the South Platte toward the dominant D's—Daily and Dundy—was indicated by the following resolution introduced in the council by Oliver P. Mason, of Otoe county:

"*Whereas,* A petition has been circulated for the signatures of members of the council and house of representatives requesting the Senate of the United States to confirm Elmer S. Dundy as associate justice of the supreme court of the territory of Nebraska; therefore,

"*Resolved, By the council of the territory of Nebraska,* that E. S. Dundy ought not to be confirmed as associate justice of the supreme court of the territory of Nebraska."[1]

The resolution was called up the day after its introduction and laid over under the rules, but it was never pressed to a vote.

In quick response to the memorial of the legislature an enabling act was passed by Congress and approved April 19, 1864.[2] This act authorized the governor of the territory to order an election of members of a constitutional convention, the election to be held on the 6th of the following June and the convention on the 4th of July. The number of members of the convention was to be "the same as now constitute both branches of the legislature."[3]

Pro-state sentiment was strong enough in Omaha to defeat the regular ticket for delegates to the constitutional convention headed by Dr. Miller, and to elect a set of pro-state delegates headed by Hadley D. Johnson. But Omaha interests preferred the territorial status rather than to run risks of capital removal which any change would involve; and at the election, while all the rest of the North Platte counties voted for statehood, Douglas gave 80 majority against it. All the South Platte counties voted against statehood, except Richardson, which gave 140 majority in its favor.

The convention met, organized, and then, by a vote of 35 to 7, adjourned sine die.[4] This was a remarkable reversal of the action of the legislature in adopting the joint resolutions in favor of statehood. It is to be accounted for by the fact that the real leaders of the Democratic party were not in the legislature, and that republicans, ambitious for the offices that might accrue to them through admission, and trusting to popular acquiescence in the desire of the national administration to profit by the addition of the unquestionably loyal members from Nebraska to its forces in Congress, overlooked the hostility of the people to assumption of the burdens of statehood. The hope

[1] Council Journal, 9th Ter. Sess., p. 56.

[2] U. S. Statutes at Large, vol. 13, p. 47.

[3] The governor's proclamation, which called for an election of delegates to the convention, to take place June 6, 1864, was dated May 2, of that year. The delegates corresponded to the total membership of the legislature as fixed by the preceding session.

[4] The convention met at the capitol, in Omaha, July 4, 1864. It was called to order by Col. John Patrick of Omaha.

The committee on credentials were Alfred H. Jackson of Douglas county, Cornelius O'Connor of Dakota county, Charles F. Walther of Richardson county, Jefferson B. Weston of Gage county.

Sterling P. Majors of Nemaha county was chosen temporary president and Edwin A. Allen of Washington county, temporary secretary.

The first ballot for president of the convention resulted as follows: John Patrick, 20 votes; John Finney, 1; James G. Chapman, 9; Sterling P. Majors, 10.

On the first formal ballot Majors was elected president, receiving 23 votes against 20 cast for Mr. Patrick. The delegates to the convention were as follows: Richardson county, Charles F. Walther, James Holcomb, James W. Leverett, Eugene H. Johnson, Oliver P. Bayne; Pawnee county, Charles W. Giddings; Pawnee, Gage, Johnson, and Jones counties, Jefferson B. Weston, Dr. Herman M. Reynolds; Nemaha county, Daniel C. Sanders, Charles G. Dorsey, Rev. William S. Horn, Sterling P. Majors; Otoe county, Frederick Beyschlag, William McLennan, Frederick Renner, Lewis D. Laune, Robert Campbell, T. James Fitchie, James Sweet; Cass county, John W. Chapman, Samuel Maxwell, Lawson Sheldon, Robert D. Hoback, Dr. Henry Bradford; Sarpy county, John Q. Goss; Sarpy and Dodge counties, John Finney; Douglas county, William A. Little, John Patrick, Alfred H. Jackson, Frederick Drexel, Frederick Bunn, Charles H. Brown, John A. Hall; Platte county, Guy C. Barnum; Platte, Hall, etc., Isaac Albertson; Washington county, Abraham Castetter, Elias H. Clark; Washington, Cuming, and Burt counties, William Kline; Dakota county, Dr. George B. Graff, Cornelius O'Connor; Dakota, Cedar, Dixon, and L'eau-qui-court counties, Leander Davis; Dixon, Cedar, and L'eau-qui-court counties, Walter C. Heyden; Merrick county, Jason Parker.

Algernon S. Paddock, secretary of the territory, administered the oath of office to the members of the convention. Immediately after the organization of the convention, Mr. Jackson of Douglas county offered the following resolution, which was carried by a vote of 35 to 7:

"Resolved, That this convention adjourn, sine die, without forming a constitution."

of the republicans was the fear of the democrats, and the position of the latter was frankly avowed.

"The vote of Nebraska as a state may be counted to elect Abraham to a second term; and besides, it is admitted there are some who suppose the territory to be republican, and in the event of its so being they begin to look forward to the good time coming when, under the aegis of a constitutional provision, negro equality shall culminate in miscegination, and numberless fat offices shall be bestowed upon the faithful leaders of the party as a reward for services, sufferings, and wear and tear of conscience in singing hallelujahs to an administration the most imbecile, reckless, profligate and corrupt that has ever existed. The democracy will oppose the whole thing from 'stem to stern.' . . . Our taxes are about as high as we can bear, and if we come in they must be ten fold higher. . . . It will require $60,000 a year to uphold a state government. Hitherto territories have been admitted after a census has shown a sufficient population to entitle them to a representative in congress. No inquiry as to the number of people, none as to their wishes."[1]

When the Omaha *Republican* showed the inconsistency of the democratic organ by pointing out that its editor, Alfred H. Jackson, had himself offered the statehood resolutions and memorial at the late session of the legislature, all he could say in reply was that his resolution was intended to let the people decide whether they wanted a constitutional convention or not, while the act of Congress required them to vote directly on the question of accepting or rejecting the constitution which the convention had been authorized to frame. The democratic press effectively emphasized the objection of increased expense involved in sustaining a state government. It was argued that the present taxes were five mills on the dollar, aggregating $45,163.86;[2] and that the state would have to raise $58,000, now annually paid by congressional appropriation, besides the $45,000 now raised by taxation.[3]

Dr. George L. Miller was president and J. Sterling Morton chairman of the committee on resolutions of the Democratic territorial convention which was held at Plattsmouth, June 22,[4] for the purpose of choosing delegates to the national convention, and of taking action on the question of statehood. The

[1] Omaha *Nebraskian*, May 27, 1864.

[2] Ibid., June 3, 1864.

[3] Ibid., June 10, 1864.

[4] DEMOCRATIC CONVENTION, JUNE 22, 1864

(As reported by the Omaha *Nebraskian*, July 1, 1864, and the Omaha *Republican*, July 1, 1864).

The democratic territorial convention of 1864 was held at Plattsmouth, on the 22d of June. It was called to order by John Q. Goss of Sarpy county, secretary of the central committee. The committee on credentials comprised Eugene R. Reed, James G. Megeath, and Elijah Giles. The committee on permanent organization were James M. Woolworth, J. Sterling Morton, John Q. Goss, Dr. George B. Graff, Joseph I. Early. The permanent officers of the convention were Lorin Miller of Douglas county, president; Dr. George B. Graff of Dakota county and Elijah Giles of Cass county, vice-presidents; Alfred H. Jackson of Douglas county, August F. Harvey of Otoe county, and Charles W. Sturges of Sarpy county, secretaries. J. Sterling Morton, James M. Woolworth, John Finney, William H. Spratlin, and Dr. George B. Graff were the committee on resolutions.

The convention chose the following delegates to the national Democratic convention: Andrew J. Poppleton, Erastus B. Chandler, Joseph I. Early, J. Sterling Morton, John B. Bennett, John Rickley. The following territorial committee was chosen: Wheatley Mickelwait of Cass county; Simeon H. Calhoun, J. Sterling Morton, Otoe county; George W. Bradford, Nemaha county; W. D. Thomas, Kearney county; William A. Little, Douglas county.

The following resolutions were reported by the committee and adopted by the convention:

"Resolved, That we congratulate the democracy of Nebraska upon the result of the recent election of members of the constitutional convention by which an overwhelming majority stand pledged to adjourn, sine die, on the first day of the session, without proceeding to business. The people are thus saved the expenses of a session of the convention which would have added at least $25,000 to our public debt. An election has been forestalled at which the money of the administration, poured out like water, would have been employed upon the corruptible; a state government has been declined whose sole benefit of multiplying offices and facilitating public plunder would be dearly purchased by ruinous taxation which would have eaten out the subsistence of our people, and drafts for the army which would have consumed our population.

"An iniquity has been emphatically rebuked which would have constituted 30,000 people the sovereign equals of New York or Ohio or Illinois, in order that three electoral votes might be added to the purchase by which a corrupt administration is seeking to perpetuate its power; and while we yield all commendation to the independent and truly patriotic members of the republican and other parties, who lent us their aid to thwart these purposes of unqualified infamy, it must be remembered that the plan by which these inestimable benefits are assured to us was conceived, carried forward, and accomplished by the democracy of Nebraska.

"That we have heard with astonishment that certain federal office-holders in this territory pro-

resolutions adopted congratulated the democracy of Nebraska that an overwhelming majority of the members of the constitutional convention stood pledged to adjourn sine die without action, thus saving an expense of $25,000 involved in preparing a constitution; that it had forestalled an election (on the question of adopting the constitution) at which the "money of the administration poured out like water would have been employed upon the corruptible;" that it had forestalled drafts for the army, and that an "iniquity has been emphatically rebuked, which would have made 30,000 people the sovereign equal of New York, Ohio, or Illinois, in order that three electoral votes might be added to the purchase by which a corrupt administration is seeking to perpetuate its power." It was also resolved that the authors of the resolutions have "heard with astonishment that certain federal office-holders in this territory propose to force the burden of a state government upon this people by cunningly devised oaths to be administered to the convention." While the resolutions commended "the independent and truly patriotic members of the republican, and other parties who lent us their aid to thwart these purposes of unequaled infamy, it must be remembered that the plan by which these inestimable benefits are assured to us was conceived, carried forward and accomplished by the democracy of Nebraska." It will be seen that the "threatenings and slaughter" which breathe through these heroics are entirely at outs with the general negative and acquiescent mood and policy heretofore assumed by the democrats during the war, as well as with the action of the leading democratic members of the legislature touching this subject. But whatever we may think of the discretion of the resolutions, they were distinctly Mortonian, and they show that in his youth, as always after, Morton was no fool who would halt at the stumbling block of consistency. The statesman who has a mind to hesitate before consistency is already lost. Besides, how recently had Morton been for statehood with much less population than at this time. The Democratic party was now in such an uncertain condition that it could win nothing but negative victories, and the republicans assisted it in winning this one by timid approval of the statehood proposition which amounted to less than half-heartedness. A party organ, for example, kept its ammunition in store during the whole campaign, and then after it was lost exploded it all at once in the following fashion:

"What have the copperheads, then, succeeded in cajoling their 'republican friends' into:

"First, a resistance to the draft; the main argument used was 'If we have a state we'll have a draft.'

"Second, they have assisted to defeat the constitutional amendment, to pass which the vote of three members of congress from Nebraska was necessary; . . . which the copperheads style as one of the 'president's infamous projects.' . . .

"Third, they have virtually said to the government: We are mean enough to force you to support us while we know you need every dollar you can scrape to whip out the rebellion."[1] . . .

The professed fear by the democrats of "cunningly devised oaths" was an insinuation that it was the plan of Secretary Paddock to administer an oath to the members of the convention which would aid them to remain in session until a constitution should be framed.

The delegates to the national Democratic convention, chosen by the Plattsmouth convention, were J. Sterling Morton, Andrew J. Poppleton, Joseph I. Early, Erastus B. Chandler, and John Rickley. The opposition classed all these delegates as "unadulterated Vallandighammers,"[2] an imputation which was excused if not fully justified by the inexplicably

pose, in utter disregard to the popular sentiment expressed with great unanimity at the late election, to persist in their scheme of forcing the burden of a state government upon this people by cunningly devised oaths, to be administered to the members of that convention, and by an organization of the minority of that body, notwithstanding its adjournment by the majority, and that such a project, and the first suggestion of such a project, by repudiated and debauched politicians, deserves, and will receive the opprobrium, and its authors will meet the fate of revolutionary fanatics, faithless to public duty and defeated in treasonable measures."

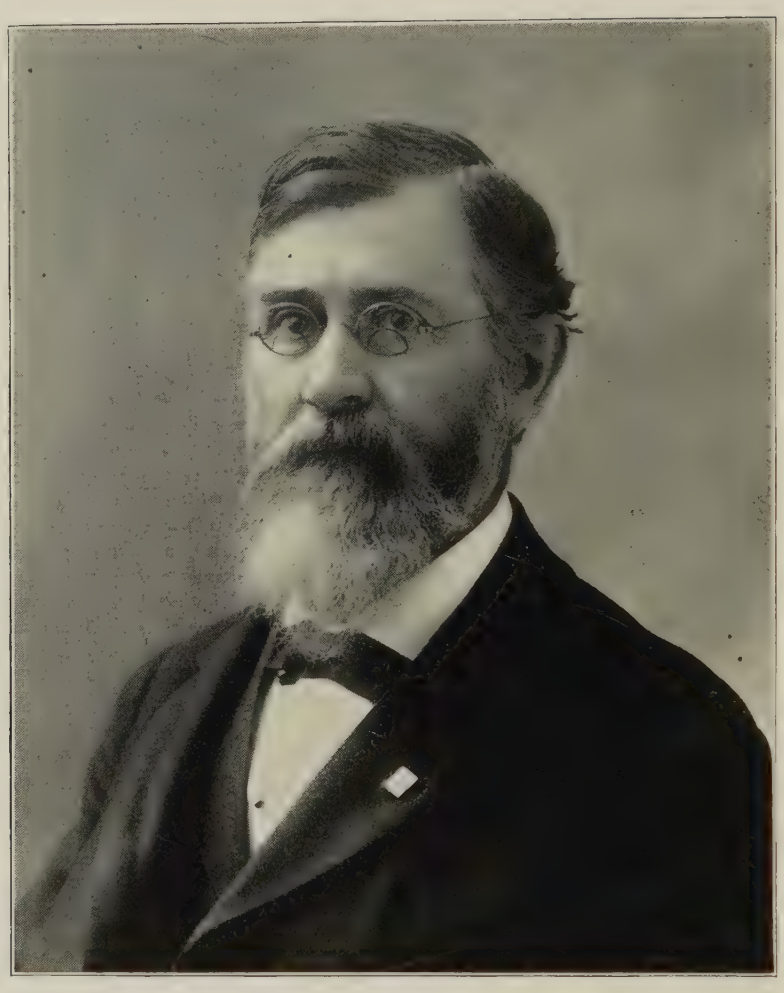
[1] The Nebraska *Advertiser*, July 7, 1864.

[2] Omaha *Republican*, Sept. 9, 1864.

hostile expression of the democratic press and platforms of the territory against the national administration and its war measures; and which continued unabated from this time on until the amendments to the constitution were adopted.

The republican territorial committee met February 12, 1864, and by its own act disbanded to go into the new "union" party, and forty of the fifty-two members of the legislature endorsed their action; and afterwards six members of the old organization—Floris Van Reuth of Dakota county; Eliphus H. Rogers, Dodge; Dr. Gilbert C. Monell, Douglas; Daniel H. Wheeler,[1] Cass; William H. H. Waters, Otoe; David Butler, Pawnee—met

[1]Major Daniel H. Wheeler was born Nov. 26, 1834, on a farm near Flowerfield, St. Joseph county, Mich. His father was William Wheeler, who was born near Bristol, Conn., Aug. 10, 1810. His paternal grandfather was Captain William Wheeler, who commanded a privateer with letters of marque and reprisal in the War of 1812. The Wheelers were of old English stock and descended from early American colonial pioneers. Major Wheeler's mother was Phoebe Makeyes, who was born on a farm near Syracuse, Onondaga county, N. Y., in 1813. She married William Wheeler at that city in 1831, and they immediately removed to Michigan and settled on a farm in St. Joseph county. There William Wheeler became one of the wealthy farmers of that section. Although in his youth he had been deprived absolutely of educational advantages, he was a man of fine mental endowments, deep discernment, and studious research, and from his own unaided resources he became one of the best informed men of his community. In 1864 William Wheeler and wife removed to Glenwood, Ia., where the former died in 1885 at the age of seventy-six years and the latter in 1894 at the age of eighty-one years. Daniel H. Wheeler's youth was spent upon a farm, and until he was nine years of age he attended the district school in summer and winter. From that time until he attained the age of seventeen years he aided his father in the operation of the farm, attending school in the winter months. In 1852 he attended an academy at Schoolcraft, Mich., for a few months, and spent the following winter in teaching. After spending the summer of 1852 on his father's farm he attended a Free Will Baptist seminary at Schoolcraft for about six weeks, when he, in company with thirty-two fellow pupils, was expelled for having attended a dance. Some of them subsequently returned to the seminary, but twenty-six of them organized an opposition school and hired a teacher named Dykeman, who was a graduate of the University of Michigan and who conducted the school for two months, or until the seminary had closed for the term. At the age of twenty Mr. Wheeler entered the service of an uncle, who was building a distillery at Three Rivers, Mich., as clerk and bookkeeper, and upon the completion of the enterprise for about thirteen months aided in its operation. In Apr., 1856, he left Michigan to join his parents at Glenwood, Ia. Facilities for travel westward in that day were meager and tortuous, and the young emigrant proceeded by rail to Oquawka, Ill., where he took a Mississippi river steamer to Burlington, Ia. From that point to Council Bluffs he traveled by stage. He had started for Glenwood intending to teach school, but upon his arrival there he was disappointed to find that they paid but $30 a month for that service, and he at once engaged as clerk for Nuckolls & Co. in the general merchandise trade. This company had stores at Glenwood and at Plattsmouth, Neb., between which two points Mr. Wheeler alternated in making collections for his employers. In January of 1857 he returned to Michigan and was married at Kalamazoo on Feb. 26. His return to Michigan was by way of Iowa City, to reach which place he traveled night and day for six days by stage. Upon returning to the West he established a stove, tin, and hardware store in Plattsmouth in 1857, in a two-story frame building which he built on Main street and which is now (1904) occupied by a restaurant. This business he followed, with the exception of one year, for twenty years. In 1875 the establishment in which he was interested was removed to Omaha by Elbert T. Duke, his partner. Meantime, however, in 1859 Mr. Wheeler had been elected county clerk of Cass county, and while attending to the duties of that office he began the insurance and real estate business. In 1862 he was elected justice of the peace, and in 1864 was appointed by the commissioners of Cass county to fill a vacancy in the office of county judge, which position he held for six months. In the meantime he had been appointed Pawnee Indian agent and took charge of that office July 1, 1865. He was removed by Andrew Johnson Oct. 1, 1866. For three years he devoted himself to the real estate and insurance business he had established while county clerk, availing himself of the leisure it afforded him to study law under the late Turner M. Marquett, and in 1868 was admitted to the bar. In the spring of 1869 Mr. Wheeler was elected mayor of Plattsmouth, and served for one term. In 1868 he was elected secretary of the state board of agriculture and held that office continuously until 1881, when he was out for one year, and was reelected in 1882 and held it for one year. In 1873 he was elected secretary of the state senate, to which position he was reelected at two subsequent regular sessions and one special session. In June, 1885, Mr. Wheeler removed to Omaha, where, in association with his son, Daniel H. Wheeler, Jr., he established the insurance business of Wheeler & Wheeler, one of the progressive and successful agencies of that city, with which he has ever since been identified. Immediately after removing to Omaha he was elected secretary of the Omaha Fair and Speed association, serving for two years. In 1889 he was elected a member of the city council, serving for two years. He was reelected to that office in 1893, and in 1895 he was elected by the council to fill a vacancy caused by the death of the councilman-elect from the 1st ward. Before the close of the term he was legislated out of office by a change in the city charter in 1897. Mr. Wheeler has always been a republican, and cast his first presidential vote for John C. Frémont in 1856. In 1900 he was appointed supervisor of the census for the 2d congressional district of Nebraska. During all of his long residence in Nebraska Mr. Wheeler has been actively identified with several of the leading secret fraternities. He joined the Masons at Three Rivers, Mich., in 1856 and has held the positions of master of Plattsmouth Lodge No. 6, master of Nebraska Lodge No. 1 at Omaha,



Daniel H. Wheeler

and chose themselves delegates to the Union national convention at Baltimore.[1] The *Republican* rebelled against this action as usurpation, and the self-appointed delegates afterward submitted to the choice of delegates to a convention.[2]

At the meeting of the committee, held April 26, all the members were present by

past grand master of the Nebraska grand lodge, past high priest of Nebraska Chapter No. 3, past grand high priest of Nebraska grand chapter, grand master of the grand council Royal and Select Masters, past commander of Mount Zion Commandery No. 5, Knights Templar, and past grand commander of the grand commandery of Nebraska. He has advanced to the 33d degree of the southern jurisdiction Ancient and Accepted Scottish Rite Masons of the United States. He joined the Knights of Pythias at Plattsmouth in 1869, two years after the institution of the order, and is still a member of that order. He also became an Odd Fellow in 1856, has been an active member ever since, and is a past grand master of the grand lodge in Nebraska. Mr. Wheeler has always been known as a man of peculiarly methodical habits, and his office has ever been a repository of varied and useful information, available at a moment's notice. He has always been a student of literature, and for many years he was an ardent collector of literary curios. Among the treasures of his private library are also many costly medals bestowed upon him through his connection with the fraternities and societies in which he has been active, and his collection of books, while not remarkable for its size, comprises works of high merit and great rarity. While mayor of Plattsmouth Mr. Wheeler participated in the ceremony of breaking ground for the Burlington & Missouri River railroad in Nebraska. The stock books were opened in his office in Plattsmouth, and he was the only man in the state who became a subscriber for stock in the venture. The formal breaking of ground occurred at Plattsmouth, July 1, 1869. Some work had, however, been done out in the state before that time. In recent years he has had ample cause to regret that he did not cling to the stock he acquired at that time, which would now be of great value. Feb. 26, 1857, Mr. Wheeler was married at Kalamazoo, Mich., to Charlotte A. Lewis, daughter of Isaac Barnum Lewis, a farmer who lived near that city. Mr. Lewis's father's family and that of P. T. Barnum, the great showman, had been neighbors in Connecticut, and the former had derived his name from that fact. Isaac Barnum Lewis was a typical Yankee farmer, a man of varied resources, and a literary student of considerable celebrity. Mrs. Wheeler was a full cousin to the late Dr. Dio Lewis of New York and of Judge Lorin L. Lewis of Buffalo, a celebrated jurist of the Empire state and a former member of the supreme court of that state, now retired. To Mr. and Mrs. Wheeler were born five sons, of whom three are living. Ernest O., the first born, died in 1863, at the age of five years. Frank L. Wheeler died October 10, 1885, while attending the Nebraska state university. Daniel H. Wheeler, Jr., was born Jan. 7, 1861, and died Mar. 29, 1905. Myron E. Wheeler, secretary, Humphrey Hardware Co., Lincoln, was appointed to a position in the revenue service in Cuba at the close of the Spanish-American war, and later was private secretary to Hon. George D. Meiklejohn while he was assistant secretary of war. William H. Wheeler was for some time reporter for the United States court at Omaha, and later was private secretary to Hon. David H. Mercer, and clerk of the congressional committee on public buildings and grounds.

[1] Omaha *Republican*, May 13, 1864.

[2] TERRITORIAL UNION CONVENTION, MAY 26, 1864 (As reported by the Omaha *Republican*, June 3, 1864)

The territorial Union convention of May 26, 1864, met at Plattsmouth. James Sweet of Otoe county was chairman, George R. Smith of Douglas county, secretary, and William H. H. Waters of Otoe, assistant secretary. The committee on credentials were: Experience Estabrook, Douglas county; Rev. Isaac Chivington, Nemaha county; Ebenezer W. Botsford, Otoe county; John W. Chapman, Cass county; Robert Kittle, Dodge county.

The convention was composed of the following delegates: Douglas county, Experience Estabrook, John I. Redick, Benjamin Lushbaugh, George R. Smith, Benjamin Stickles, Alvin Saunders, William Pitt Kellogg; Otoe county, Oliver P. Mason (with two proxies), John W. Pearman, James Sweet, William H. H. Waters, Ebenezer W. Botsford, George W. McKee; Cass county, Abraham Carmichael, John W. Chapman, Samuel Maxwell, Nathaniel H. Murphy, Amos Tefft, Stephen B. Hobson; Cass and Lancaster counties, Alfred L. Sprague; Nemaha county, Rev. Isaac Chivington (with one proxy), William Daily (with one proxy), Henry M. Atkinson, Sterling P. Majors; Dodge county, Robert Kittle, Josiah F. Reynolds; Washington county, George W. Stevens, George W. Jenkins; Washington and Burt counties, Algernon S. Paddock, proxy for Lorenzo Hobbs; Sarpy county, Henry L. Edwards, Samuel Miller; Platte county, Benjamin F. Lushbaugh, as proxy.

The committee on resolutions were William Pitt Kellogg, Oliver P. Mason, Amos Tefft, Henry L. Edwards, Rev. Isaac Chivington.

The following delegates to the national convention at Baltimore were chosen: Augustus Kountze of Douglas county, Algernon S. Paddock, alternate; John I. Redick of Douglas county, George R. Smith of Douglas county, alternate; Benjamin F. Lushbaugh of Platte county, George W. Stevens of Washington county, alternate; Daniel H. Wheeler of Cass county, Turner M. Marquett of Cass county, alternate; William H. H. Waters of Otoe county, William P. Kellogg of Douglas county, alternate; David Butler of Pawnee county, Samuel G. Daily of Nemaha, alternate.

The convention adopted the following resolutions:

"Resolved, That this unholy rebellion was commenced without any justifiable cause, that it has been maintained in violation of every principle of justice and humanity, and that it is the duty of the government to suppress it by the use of all constitutional means within its power.

"Resolved, That we will lay aside all party questions and forget all party prejudices, and devote ourselves, unreservedly, to the support of the government until the rebellion shall be finally crushed; that whatever else may die the Union shall live to perpetuate civil liberty; That whatever else may be destroyed the nation shall be preserved in its territorial unity; and to this end we endorse the emancipation proclamation of the President, the arming and enrolling of the negroes in the military service

person or proxy except two, and they adopted a "union" platform as follows:

"Resolved, That the only basis of this union organization shall be unquestioned loyalty and unconditional support of the congress of the United States in their war measures, especially in confiscating the property [of] rebels in arms, unconditional support of the proclamations of President Lincoln, especially his emancipation proclamation, the arming of negroes, or any other constitutional measure deemed necessary by the administration to crush out this wicked rebellion, with the least cost of time, treasure and blood of loyal men.

"And whereas, since the adoption of this platform, the rebel authorities have practiced brutal barbarities upon our colored soldiers, we hereby affirm the duty of this government to afford white and colored soldiers equal protection, and to retaliate strictly upon white rebels any barbarity practiced upon colored soldiers of the union army. A colored man once freed by this government and enlisted as a soldier in its defense, is entitled to its protection in all respects as a free citizen.

"Adjourned, sine die.

"G. C. MONELL, *Chm'n.*

"D. H. Wheeler, Secretary."[1]

The adage, "practice makes perfect" had ample opportunity for self-vindication in the making of perfect political citizens in the year 1864, which was even more than commonly a crowded hour of politics. After the legislature came the discussion of statehood, then the conventions relating thereto, and all the time there was raging a fierce contest, especially in the now confident republican, or union party, over the nominations for delegate to Congress. The principal republican aspirants were Turner M. Marquett of Cass county; Phineas W. Hitchcock, Gilbert C. Monell, and John I. Redick,[2] of Douglas county; Thomas

of the government; and, believing that slavery has been the primary cause of the present rebellion, we are in favor of so amending the constitution of the United States as to utterly abolish it and relieve the nation of that mischievous institution.

"Resolved, That we are in favor of the further prosecution of the war, because we believe it is the only way to crush out the rebellion and permanently re-establish the government on an honorable basis.

"Resolved, That the recent successes of our army form a glorious record upon the page of history; that our gallant soldiers have won for themselves imperishable renown; that their victories indicate a speedy overthrow of the rebellion and strengthen our confidence in the wisdom and efficiency of our government.

"Resolved, That in view of the extraordinary difficulties and embarrassments that now environ our national affairs, during the present atrocious rebellion, the efforts of the constituted authorities of our national government commend themselves to our highest respect for the zeal, ability and fidelity with which they have been marked; that we instruct our delegates to vote for the nomination of Abraham Lincoln for the next presidency, as our first choice for that high office, as long as his name may be before the convention. . ."

The following territorial committee was chosen by the convention: Otoe county, William H. H. Waters, James Sweet; Nemaha county, Charles G. Dorsey; Pawnee county, Dr. Alexander S. Stewart; Richardson county, John A. Burbank; Cass county, Jonathan N. Wise, John W. Marshall; Sarpy county, Samuel Miller; Douglas county, Edward B. Taylor, Byron Reed; Dodge county, Robert Kittle; Platte county, John P. Becker; Washington county, George W. Jenkins; Burt county, Frank Welch.

Though this was nominally a "Union" convention it was composed almost wholly of republicans. John P. Becker of Platte county appears to be the only member of the convention who was recognized by the protest of the republicans---May 13—as a "Union" democrat.

[1] The Nebraska *Advertiser*, May 2, 1864.

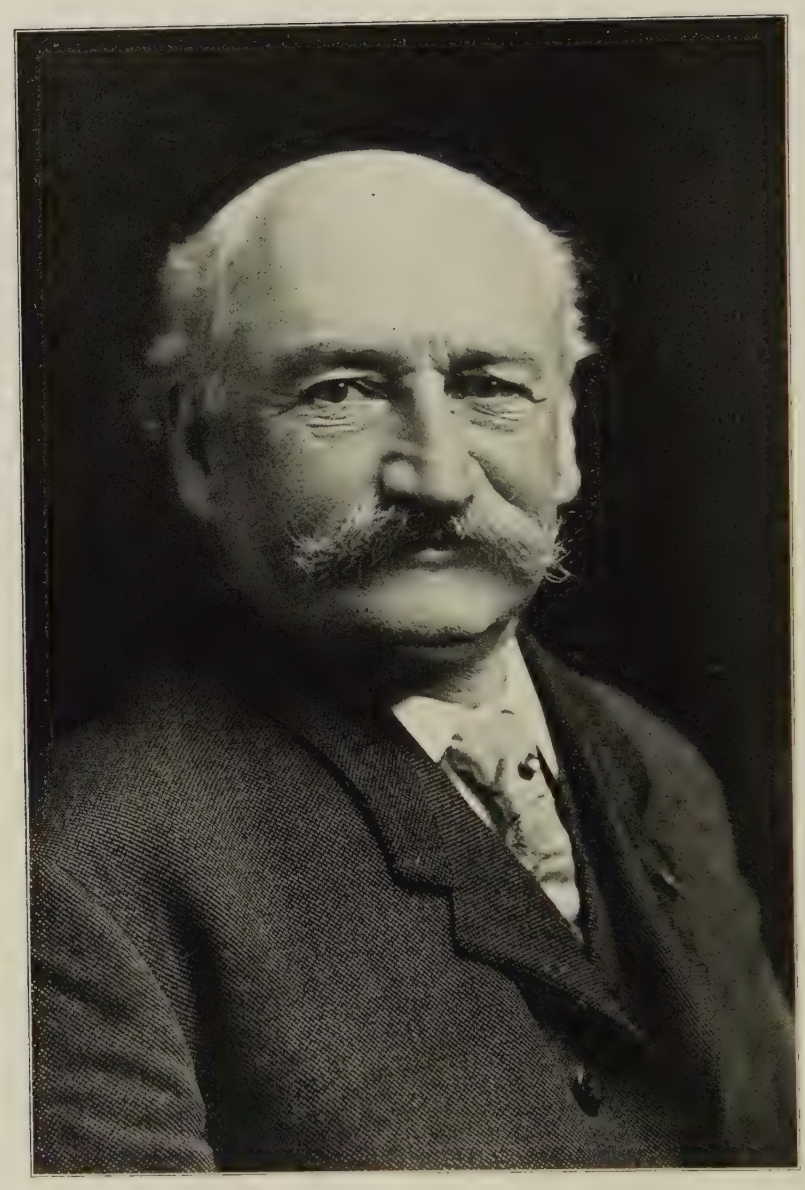
[2] John Irwin Redick, pioneer lawyer of Omaha, was born in a log cabin on the family homestead near Wooster, O., July 29, 1828. His father, John H. Redick, was of Scotch descent. He was a merchant in early life, and was a thorough accountant. He served as an accountant in the War of 1812 under General Bell. Later he served for twelve years as deputy treasurer of Wayne county, and the closing years of his life were devoted to farming. He died at the age of seventy-six at Wooster, leaving but a small estate, which, a few years prior to his death, he conveyed to his eldest son, Parker Redick, who retained it during his life. John, a son of Parker Redick, now owns the old homestead, comprising 140 acres, and lives upon it, being enabled to keep it on the death of his father through the assistance of his uncle, John I. Redick. Mr. Redick's grandfather was a judge of the court of common pleas of Beaver county, Pa., a brother of whom was a colonel in the War of 1812. His paternal uncle, David Redick, was a prominent lawyer of Steubenville, O., and met a tragic death at the hands of an opposing litigant, being stabbed in the back during a recess of the court where he was engaged in the trial of a case. Mr. Redick's mother was Eliza Forbes, a native of Ohio, but of English descent. Parker Redick, who succeeded to the homestead upon the death of the father of the family, was a hard taskmaster for the younger John, and the lad wearied of the life at home, ran away at the age of fifteen years, and apprenticed himself for board and lodging to a tinsmith in Delaware, O. Here he remained for nearly a year, when, having manufactured during his hours of leisure a dozen or two lard oil lamps, then much in use, he started forth with his stock in a basket on his arm and worked his way to Wooster, O., where he found employment as a helper in a blacksmith shop. After a short service there he started a blacksmith shop on his own account on the old homestead. Mr. Redick still retains one of the lard oil cans as a memento of his early struggles with adversity. He began to study

W. Tipton of Nemaha county; Benjamin F. Lushbaugh of Platte county; and Algernon S. Paddock, secretary of the territory—of whose candidacy it was irreverently said, "His claims are based upon his extreme politeness. . . . The polite, polished, elegant, accomplished, affable, courteous, pleasant, smiling, gracious A. S. Paddock."[1] An estimate of Hitchcock by the same judge was as much more laconic as it was less pleasant and picturesque—but that was formulated after his nomination.

The Union convention for nominating a delegate to Congress met at Nebraska City,

under the tutelage of Prof. Parott at Wooster, and at the age of twenty-one years was able to enter Delaware (O.) college, where he remained two years. During this time he also gave some attention to the study of law. He continued his law studies in a lawyer's office for about a year after leaving school. Upon his admission to the bar in Ohio, in 1852, he removed to Lansing, Mich., where he opened a law and real estate office. In 1855 he married Mary E. Higby of Pittsburgh, Pa., who accompanied him to Lansing, and in the fall of the following year they came to Omaha, bringing with them about $2,000 in cash, the savings of Mr. Redick's four years' work in Lansing. In the spring of 1857 he became the law partner of James G. Chapman, who was elected prosecuting attorney shortly afterwards. In 1859 the firm of Redick & Briggs (Clinton) was formed and for ten years it enjoyed a large practice, being retained in nearly every important case in the courts of Douglas county and vicinity during that period. He had wide distinction as a jury lawyer, and was a shrewd cross-examiner. In 1870 he was chief counsel for the defense in the impeachment trial of David Butler, governor of Nebraska, who was acquitted on all the fifteen counts but one, and the conviction on that one was subsequently expunged from the record by the legislature of 1876–77. In 1869 the firm of Redick & Briggs was dissolved, and for three years Mr. Redick continued the practice alone, with John D. Howe, since one of the well-known and successful lawyers of Omaha, as his salaried law clerk. In 1872 he formed a partnership with Arthur N. Ferguson, afterwards judge of the district court, which continued for two years. In 1877 he went to live in Denver, where he served for about a year as an attorney for the Union Pacific railway company, when he again returned to Omaha and formed a partnership with William J. Connell. After two years the partnership was dissolved, and Mr. Redick took for his associate his eldest son, Charles R. Redick. In 1882 the firm was reinforced by the second son, William A. Redick. In 1884 Charles removed to Fargo, N. D., and from that time the father gradually retired from active practice, in 1885 withdrawing from the firm. In 1887 he removed to Los Angeles, Cal., where he was president of the Southern California National bank, later known as the Merchants' National bank, until the fall of 1889, when he again returned to Omaha, where he has since remained. In politics Mr. Redick was a democrat up to the beginning of the Civil war. In 1860 he was a member of the lower house of the legislature and received the votes of the democratic members for speaker. In 1861 he was commissioned 1st lieutenant of company C, Omaha home guards, 1st brigade of Nebraska militia, by Governor Alvin Saunders. In 1862, being heartily in favor of a vigorous prosecution of the war, and disapproving strongly of the attitude of the Democratic party on that issue, he became a republican, and was in 1864 chairman of the delegation from Nebraska to the Baltimore convention which nominated Lincoln and Johnson. In announcing the vote of his state Mr. Redick said, "Nebraska casts her seven votes for Abraham Lincoln, the second savior of the world." In the Republican congressional convention of 1866 he received all but one of the votes of the section of the state north of the Platte river for nomination as delegate to Congress. In 1872 he was chairman of the Nebraska delegation to the Republican national convention at Philadelphia. On May 22, 1876, he was appointed associate justice of New Mexico by President Grant. In 1880 he was disappointed and indignant at the defeat of Grant for renomination, and in 1884 he announced his return to the Democratic party, voting for Hancock at the election that year. In 1882 he was the democratic candidate for member of Congress, and was defeated by Weaver of Richardson county, who had about half the usual republican majority. In 1895 Mr. Redick again became a republican on the issues of protection and sound money. He voted for President McKinley and approved his policy on all important questions. In 1874 he was president of the Omaha Merchants' club, the pioneer organization of its kind, comprising about eighty of the best business men of the city. In 1875 he was president of a delegation from Nebraska and Iowa to Galveston, having in view the improvement of commercial relations with the South, and he was also one of the committee of five sent to Boston about that time to negotiate for the location of a railroad bridge at Omaha. He was one of the original promoters and stockholders in the Grand Central Hotel company, which erected on the present site of the Paxton hotel a hostelry that was at that time the finest west of Chicago. He was a large stockholder and one of the incorporators of the Omaha & Northwestern railroad, which built and equipped about fifty miles of road to Blair and beyond. This road is now a part of the Northwestern system. At one time Mr. Redick held over $100,000 of its stock, and he was for some time general counsel for the road. Mr. Redick is a member of the Protestant Episcopal church, Trinity parish, and for several years served as vestryman. He was married three times. His first wife was Mary E. Higby of Pittsburg, Pa., whom he married Nov. 5, 1855, and who bore him seven children, four girls and three boys. Two of these still survive—Charles Robison, born in 1857, a lawyer at Oklahoma City, and William Armstrong, district judge, Omaha. The other children died in infancy. Mr. Redick's first wife died Oct. 30, 1864, and Oct. 8, 1866, he married Mary E. May. Five children were the issue of this union: John I., Jr., Albert Clarkson, Oak Chatham, George May, and Elmer S. All are living except Albert Clarkson Redick, who died Oct. 17, 1901. Their mother died in Aug., 1894, and in July, 1896, Mr. Redick was again married to Barbara Lyon of Ingersoll, Ont.

[1] Omaha *Nebraskian*, Aug. 5, 1864.



S. D. Jackson

August 17. Mr. Paddock came within one vote of securing the nomination on the eighth ballot, Tipton within five on the sixth ballot, and Marquett within five on the eleventh ballot. The *Nebraskian* said of Daily that "if he is no longer king he is king-maker," which should be interpreted to mean, in substance, that the unnatural allegiance to him on the part of the alien North Platte in his last desperate campaign was remembered and paid for in the making of Hitchcock, who was nominated on the thirteenth regular ballot.[1]

[1] SECOND TERRITORIAL UNION CONVENTION OF 1864

(As reported by the Omaha *Republican,* Aug. 26, 1864)

The second territorial union convention of 1864 was held at Nebraska City, Aug. 17, and was called to order by Edward B. Taylor of Douglas county, chairman of the territorial committee, who nominated John W. Chapman of Cass county for temporary president. William F. Sweesy of Douglas county was chosen temporary secretary. The committee on credentials were Daniel H. Wheeler of Cass county; Dr. John McPherson of Nemaha county; Jacob Dawson of Lancaster county; John A. Unthank of Washington county; Charles H. Cowles of Otoe county. The committee on rules and order were Edward B. Taylor of Douglas county; John P. Becker of Platte county; William H. James of Dakota county; Charles F. Walther of Richardson county; Henry T. Clarke of Sarpy county. The committee on permanent organization were Reuben Lovejoy of Sarpy county; Samuel M. Kirkpatrick of Cass county; George W. Stevens of Washington county; Josiah F. Reynolds of Dodge county; Cyrus W. Wheeler of Nemaha county.

The delegates to the convention were as follows: Richardson county, Oliver P. Bayne, Charles F. Walther, James Wade, James Holcomb, B. M. Baker; Pawnee county, John Briggs; Pawnee, Johnson and Gage counties, Dr. Jeremiah N. McCasland; Gage and Jones counties, Cyrus W. Wheeler; Nemaha county, Stephen W. Kennedy, Dr. John McPherson, F. H. Anderson, Evan Worthing, Thomas W. Queen; Otoe county, Fred W. Wood, E. Y. Cornell, Hosea B. Horton, J. H. W. Remnitz, Charles H. Cowles, Lawson Cook, John H. Rector; Cass county, Daniel H. Wheeler, John W. Chapman, Samuel M. Kirkpatrick, Joel T. Parcel; Cass, Lancaster, Saline and Seward counties, Abraham Carmichael; Johnson county, James S. Daily; Lancaster county, Jacob Dawson; Lancaster, Seward and Saunders counties, James L. Davidson; Sarpy county, Henry T. Clarke, Reuben Lovejoy; Sarpy and Dodge counties, Josiah F. Reynolds; Douglas county, William F. Sweesy, Fred Metz, Sr., Dr. Luther J. Abbott, Haman Z. Chapman, John Ritchie, Edward B. Taylor, Emerson S. Seymour; Dodge county, Mathew S. Cotterell; Platte county, John P. Becker; Platte, Hall, Buffalo and Merrick counties, John P. Becker; Platte, Monroe, Kearney, and Lincoln counties, John P. Becker; Washington county, George W. Stevens, John A. Unthank; Washington, Burt and Cuming counties, Giles Mead; Burt and Cuming counties, Frank Welch; Dakota county, William H. James; First Nebraska Regiment, Dr. George W. Wilkinson; Dakota, Dixon, Cedar, L'eau-qui-court counties, Benjamin F. Chambers; Dixon, Cedar, L'eau-qui-court counties, William H. James.

The permanent officers of the convention were, chairman, Daniel H. Wheeler of Cass county; secretaries, Dr. Luther J. Abbott of Douglas county, Josiah F. Reynolds of Dodge county. The committee on resolutions were Taylor of Douglas, Kirkpatrick of Cass, McPherson of Nemaha, Welch of Burt, Horton of Otoe.

The convention cast fourteen ballots for candidates for delegate to Congress, the results of which were as follows:

| | Inf'l | 1st | 2d | 3d | 4th | 5th | 6th | 7th | 8th | 9th | 10th | 11th | 12th | 13th |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Orsamus H. Irish | 8 | 9 | 5 | 11 | 8 | 4 | 3 | 5 | 11 | 7 | 1 | .. | .. | .. |
| Algernon S. Paddock | 5 | 4 | 5 | 5 | 16 | 17 | 18 | 20 | 25 | 19 | 7 | 1 | 3 | 2 |
| Phineas W. Hitchcock | 9 | 10 | 14 | 10 | 6 | 3 | 8 | 10 | 5 | 6 | 3 | 1 | 9 | 29 |
| Thomas W. Tipton | 14 | 14 | 11 | 13 | 16 | 10 | 22 | 3 | 2 | 1 | 12 | 10 | 18 | 11 |
| Turner M. Marquett | 5 | 6 | 6 | 7 | 1 | 3 | 1 | 1 | 3 | 11 | 8 | 22 | 13 | 4 |
| Benjamin F. Lushbaugh | .. | 1 | 3 | .. | .. | .. | .. | 5 | 4 | 4 | 8 | 4 | 1 | 1 |
| Scattering | 11 | 6 | 8 | 6 | 5 | 15 | .. | 1 | .. | 8 | 12 | 14 | 7 | 5 |
| | 52 | 50 | 52 | 52 | 52 | 52 | 52 | 45 | 50 | 50 | 51 | 52 | 51 | 52 |

The following territorial committee was chosen: Edward B. Taylor, William F. Sweesy, of Douglas county; John A. Unthank, Washington county; William H. James, Dakota county; Henry T. Clarke, Sarpy county; John P. Becker, Platte county; Daniel H. Wheeler, Cass county; Jacob Dawson, Lancaster county; Hosea B. Horton, William H. H. Waters, Otoe county; Dr. John McPherson, Nemaha county; Charles F. Walther, Richardson county; H. A. Folls, Pawnee county.

The convention adopted the following platform:

"Resolved by the Union people of the territory of Nebraska, in general convention represented, that we cordially and unqualifiedly endorse the platform of principles adopted by the Union National convention at Baltimore, on the 7th of June last, and that we regard it as the highest duty of every American citizen to maintain against all their enemies the integrity of the union and paramount authority of the constitution and laws of the United States; and that, laying aside all former differences and political opinions, we pledge ourselves as union men, animated by a common sentiment and aiming at a common object, to do everything in our power to aid the government in quelling by force of arms the rebellion now waging against its authority, and in bringing to justice the rebels and traitors arrayed against the best government which God in his providence ever vouchsafed to man.

"Resolved, That the nomination of Abraham Lincoln and Andrew Johnson, as candidates for president and vice president of the United States, challenges our most unqualified approval; and their election, while it will gratify and reassure the loyal masses of the north, will, at the same time, strike terror to the hearts of the traitors who have combined to subvert and overthrow the revered institutions of our fathers.

"Resolved, That the heroic valor of our soldiers, displayed upon every battlefield in the south, entitles them to the lasting gratitude of their countrymen, and that the people of Nebraska point with honest pride to the noble achievements of the brave men who have gone forth from our borders to defend the nation's life."

At the Democratic territorial convention held at Nebraska City, September 16, Charles H. Brown of Omaha favored the nomination of William A. Little, of the same place, for delegate to Congress, while John B. Bennett of Otoe county presented the name of Dr. George L. Miller, also of Omaha. Mr. Brown withdrew Mr. Little's name, since, as he said, the democracy outside of Douglas county favored another man, and Dr. Miller was thereupon nominated by acclamation.[1] Thus it appears that at this early time Mr. Brown, a man of very positive opinions, of unswerving purpose, and of dogged pertinacity in forwarding them and in standing against his opponents, had conceived a hostility to Dr. Miller which he cherished, with an important influence on the politics of the commonwealth, to the day of his death.

In challenging Mr. Hitchcock to a series of joint debates in the canvass, Dr. Miller sought to make the most of the fact that his opponent continued to hold the federal office of United States marshal, and occupied the equivocal position of ostensible candidate of the "union" party, which was in fact the Republican party with a pseudonym. Dr. Miller first addressed his opponent by the title of United States marshal, then as republican nominee and United States marshal, and again as nominee of the "union" party and republican United States marshal. But whatever advantage accrued to the democratic candidate by virtue of his ability, prestige, and capacity for public discussion had been yielded by the unwise copperheadism, as it was effectively called, of his platform; and also by the influence of the suicidal national demo-

[1] DEMOCRATIC TERRITORIAL CONVENTION, SEPTEMBER 16, 1864

(As reported by the Omaha *Nebraskian,* Sept. 26, 1864)

The Democratic territorial convention of Sept. 16, 1864, was held in Union Hall, Nebraska City. It was called to order by John Q. Goss, chairman of the central committee; Robert G. Doom of Cass county was temporary chairman, and William E. Harvey of Douglas and Elijah Giles of Cass, temporary secretaries. The committee on credentials were. Simeon H. Calhoun, of Otoe county; Corrington Blanchard of Sarpy county; Dr. James K. Ish of Douglas county; Elias H. Clark of Washington county; Samuel A. Chambers of Nemaha county; Israel Loomis of Johnson county; John Rickley of Platte county. The committee on permanent organization were, Eugene S. Reed of Otoe county; Thomas Patterson of Cass county; A. C. Leighton of Kearney county; Thomas L. Sutton of Douglas county; Levi Kimball of Sarpy county. The committee on resolutions were, Theodore H. Robertson, of Sarpy county; Charles H. Brown of Douglas county; Major Allen Blacker of the first Nebraska regiment; Thomas W. Bedford of Nemaha county; Jacob Vallery, Sr., of Cass county. The permanent officers were as follows: President, Thomas W. Bedford; secretaries, William E. Harvey, Elijah Giles.

The accredited delegates to the convention were as follows: Burt and Cuming counties, Isaac Gibson; Cass county, Elijah Giles (proxy), Thomas Patterson, Robert G. Doom, William H. Spratlin, John Barnes, Jacob Vallery, Sr.; Douglas county, James C. Mackoy, Dr. James K. Ish, Charles H. Brown, Thomas L. Sutton, William E. Harvey, James W. Pickard, E. H. Rouch; Dodge county, Andrew J. Hanscom, (proxy); Johnson county, Israel Loomis; Nemaha county, Thomas W. Bedford, Samuel A. Chambers, Dr. Frederick G. Holmes, F. Dowling, Samuel Bennet; Otoe county, J. Sterling Morton, Simeon H. Calhoun, Eugene S. Reed, Oliver Stevenson, John B. Bennett, Rochester Hedges, Andrew Stout; Platte county, John Rickley; Platte, Monroe, Merrick, Hall, Buffalo, and Lincoln counties. William M. Piper, Joseph Russell; Sarpy county, Theodore H. Robertson, Corrington Blanchard; Sarpy and Dodge counties, Levi Kimball; Saline, Butler, Lancaster, and Kearney counties, A. C. Leighton; Washington county, Elias H. Clark; Washington, Burt, and Cuming counties, Elias H. Clark; First Nebraska Regiment, Cavalry, Major Allen Blacker, Lieutenant Emory Peck.

The committee on resolutions reported the following which were adopted by the convention:

"Resolved, That the democracy of Nebraska adopt as their creed the National platform of principles as enunciated at the Chicago convention on the 30 ult., and that we endorse in full General McClellan's letter accepting his nomination.

"Resolved, That we shall encourage all efforts towards a peaceful solution of our national difficulties as soon as the armed forces of the states in rebellion shall lay down their arms and acknowledge the supremacy of the constitution and the laws, with territorial integrity preserved intact."

Charles H. Brown of Douglas county presented the name of William A. Little of that county as a candidate for the office of delegate to Congress; and John B. Bennett, of Otoe county, presented the name of Dr. George L. Miller, of Douglas county, for the same office. After the convention had taken a recess of fifteen minutes Mr. Brown withdrew Mr. Little's name at his request; and Mr. Brown said that feeling that the choice of the democracy elsewhere than in Douglas county was for another man he would yield; whereupon Dr. Miller was nominated by acclamation. The following territorial committee was chosen by the convention: Otoe county, Simeon H. Calhoun; Douglas county, William E. Harvey, James G. Megeath; Kearney county, A. C. Leighton; Cass county, Joseph R. Johnson; Platte county, John Rickley; Richardson county, Dr. John R. Brooke; Nemaha county, Henry C. Lett; Sarpy county, Corrington Blanchard; Washington county, William Kline; Burt county, William B. Beck; Dakota county, George B. Graff.

cratic platform of that year—though it is likely that any pronounced democrat running on any platform would have been submerged in the tide of general opposition to his party which then ran strongest in the new Northwest. Mr. Hitchcock received a majority of 1,087 over Dr. Miller out of a total vote of 5,885.[1] This bitter bourbonism, which was now adopted by the democrats of the territory to their certain undoing, was in part due to the influence of Vallandigham and Voorhees on Morton, who had been admired and assisted by them in his contest with Daily in 1861. The baneful reactionary course of these eminent party leaders, which, not at all strangely, influenced the scarcely mature and impressionable young man, would have spent itself ineffectually against the strong individuality and independent judgment of his mature years—now more strongly developed in the whilom pupil than in his early preceptors. The mature Morton, thirty-five years afterward, strenuously opposed and rebuked a like wayward radicalism on the part of Voorhees in the great struggle over the money question.

The tenth session of the legislature convened January 5, 1865.[2]

Mr. Mason was elected temporary president of the council, receiving 7 votes against 6 cast for B. E. B. Kennedy. This vote represented the relative strength of the two parties, though Allen, classed as a republican, sometimes wabbled to the democratic side. There was no opposition to the election of Mr. Mason as permanent president; John S. Bowen was also unanimously elected chief clerk. Casper E. Yost,[3] subsequently a prominent republican

[1] The official vote of the election for delegate to Congress in 1864, as published in the newspapers of the time, was as follows:

| COUNTIES | HITCHCOCK Union | MILLER Dem. |
|---|---|---|
| L'eau-qui-court | 0 | 6 |
| Cedar | 17 | 20 |
| Dixon | 11 | 34 |
| Dakota | 77 | 118 |
| Burt | 76 | 21 |
| Cuming | 17 | 23 |
| Washington | 167 | 23 |
| Douglas | 422 | 549 |
| Dodge | 90 | 30 |
| Platte | 76 | 75 |
| Hall | 59 | 17 |
| Merrick | 15 | 14 |
| Kearney | 3 | 58 |
| Sarpy | 120 | 191 |
| Cass | 435 | 305 |
| Lancaster | 54 | 27 |
| Otoe | 494 | 496 |
| Nemaha | 557 | 163 |
| Richardson | 462 | 108 |
| Pawnee | 131 | 5 |
| Jones | 21 | 3 |
| Johnson | 69 | 2 |
| Gage | 69 | 11 |
| Saunders | 14 | 13 |
| Soldiers' votes | 30 | 18 |
| | 3486 | 2399 |
| | 2399 | |
| Union majority | 1087 | |

Whole vote, 5885.

[2] The members of the council were as follows: 1st district—*Cedar, Dakota, Dixon,* and *L'eau-qui-court* counties, Thomas L. Griffey; 2d district—*Washington, Burt,* and *Cuming,* Edwin A. Allen; 3d district—*Douglas* county, John R. Porter, Benjamin E. B. Kennedy; 4th district—*Sarpy* and *Dodge* counties, Corrington Blanchard; 5th district—*Platte, Monroe, Merrick, Hall, Buffalo, Kearney,* and *Lincoln* counties, Isaac Albertson; 6th district—*Cass* county, John W. Chapman; 7th district—*Cass, Lancaster, Saline,* and *Seward* counties, Jason G. Miller; 8th district—*Otoe* county, Oliver P. Mason, John B. Bennett; 9th district—*Nemaha* county, Dr. Andrew S. Holladay; 10th district—*Richardson* county, Oliver P. Bayne; 11th district—*Pawnee, Gage, Johnson, Clay,* and *Jones* counties, Dr. Jeremiah N. McCasland. Messrs. Allen, Kennedy, Mason, and Porter had been members of the preceding 9th legislature.

[3] Casper Enoch Yost has been a resident of Omaha since 1864, and during all of that time has held political offices and positions in business of great prominence. He was born Oct. 9, 1841, at Waterloo, N. Y. He acquired the foundation of his education in the public schools at Ypsilanti, Mich., spent two years in the academic department of the University of Michigan, and then took a course in the law department, graduating in the class of 1863. His father, Enoch Yost, was born in Pennsylvania in 1810, was a merchant in comfortable worldly circumstances, and died in 1879. His grandfather, Casper Yost, was also a native of Pennsylvania and a farmer. His mother was Minerva E. Stout, born at Cayuga, N. Y., in 1818. She received a common school education and married Enoch Yost in 1845, three children being the issue of the union, of whom Casper E. Yost is the second. She was the daughter of Jonathan Stout, a native of New York. In 1864 Mr. Yost emigrated to Omaha, and in October of that year he was appointed deputy United States marshal of the territory of Nebraska. Eleven months after his arrival in Omaha he was appointed by President Lincoln United States marshal for the territory, and upon its admission as a state, Mar. 28, 1867, he was appointed United States marshal for the state. In 1872 he was appointed postmaster of Omaha, to which position he was twice reappointed, Dec. 12, 1872, and Feb. 22, 1877, all three appointments being by President Grant. In 1875 he became interested in a stock company in the publication of the Omaha *Republican,* then one of the leading western republican papers. In 1877, in company with Fred Nye, well remembered as one of the foremost

politician and editor, makes his appearance in politics at this session as enrolling clerk of the council.[1]

The number of representatives at this session was only thirty-eight, Otoe county returning four instead of five. Party lines were not rigidly drawn in the organization. Samuel M. Kirkpatrick of Cass county was elected speaker and John Taffe chief clerk—both by acclamation.

The message was on the whole a plain, common sense, and useful document, but the governor's inadequacy when he drops into rhetoric in an attempt at a glowing picture of the status of the war and the progress of the Union arms creates in the reader a longing for the apt and eloquent tongue of Governor Black, ordained by nature for tasks like this, but now, alas, mouldering in a gallant soldier's grave. The governor's sketch of the Indian troubles of 1864 now serves as history:

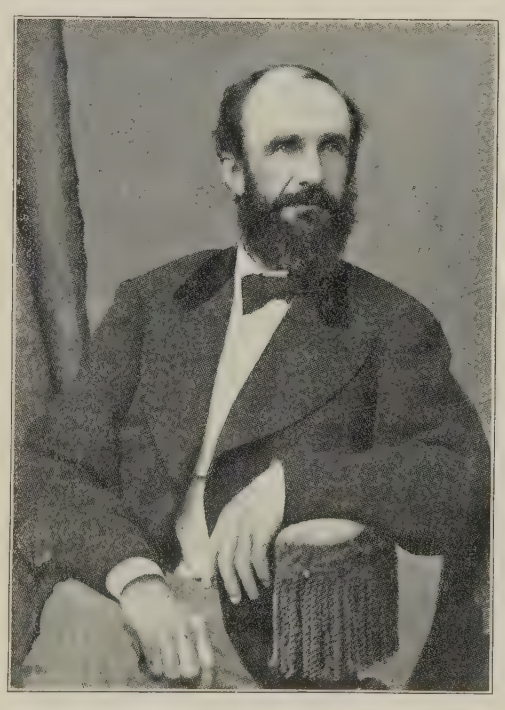
"From facts which have come to the knowledge of this department, it is deemed certain that these Indian depredations and disturbances were the result of combined action between several tribes, instigated, aided and counseled by lawless white men who hoped to share in the plunder which would result from their robberies and massacres. It is by no means certain that these coadjutors of the savages were not the emissaries of the rebel government, prompted to their inhuman work by the hope of creating a diversion in favor of their waning cause in the south. Portions of the Sioux, Cheyennes, Arapahoes, Kiowas, Comanches and Apaches, were evidently confederated for the purpose of attacking the frontier settlements and emigrant trains in Nebraska, Kansas, Colorado and southeastern Idaho. Suddenly and almost simultaneously, without the slightest warning, ranchmen and emigrants were attacked at no less than four different points, remote from each other, thus proving, beyond the possibility of doubt, that the plan had been matured and the co-operation of different tribes secured in the work of destruction.

"The necessities of the general government had caused the withdrawal, from time to time, of nearly all the United States troops stationed in this territory for its defense; so that when the outbreak commenced we possessed no adequate force to suppress it. The

Nebraska newspaper writers of that day and still in the business in New York city, Mr. Yost secured a controlling interest in the paper. In 1881 they bought the entire stock of the paper, and in 1886 they sold it to S. P. Rounds, formerly well known in Chicago as a type-founder and later as national public printer at Washington, and Cadet Taylor. For years Mr. Yost was business manager of the concern. Mr. Yost's most important achievement, however, has been the development of the telephone service in this and surrounding states. On Aug. 28, 1889, he was elected vice-president and general manager of the Nebraska Telephone company, which had secured a perpetual and exclusive franchise for Nebraska and Pottawattamie county, Iowa, from the Bell Telephone company. He held that position until Feb., 1891, when he was elected to the presidency of the company, and has held this office ever since. In 1897 he was elected president of the Iowa Telephone company, and in 1903 was elected president of the Northwestern Telephone Exchange company, which covers the states of Minnesota and North and South Dakota. He is also vice-president of the Missouri and Kansas Telephone company, and a director in the Bell Telephone company of Missouri. Mr. Yost has always been a republican. In 1884 he was chairman of the republican state central committee, filling the office for two years with marked and well-remembered efficiency. Since becoming president of the telephone company he has taken no active part in politics. In 1884 Mr. Yost was one of the incorporators of the Cable Tramway company of Omaha, which built and operated a cable line in that city, but upon a reorganization of the company in 1888 he retired from it. He is a member of the Omaha club, the Omaha Commercial club, and the Country club of Omaha, and a director in the Commercial National bank of Omaha; and since the days of his attendance at Michigan university has been a member of the Alpha Delta Phi college fraternity. In January, 1866, Mr. Yost was married to Anna M. Jenness, daughter of the late Hon. John S. Jenness. They have one child, Bertha, born in 1869, who was afterwards married to the late Charles Offutt, and is a resident of Omaha.

[1] The membership of the house was as follows: *Richardson* county, Oliver W. Dunning, Freeman A. Tisdel, Sr., Charles F. Walther, and Eugene H. Johnson; *Pawnee* county, John Biggs; *Nemaha* county, William B. Phillips, George Crow, Rev. John W. Taylor, Samuel Pettit; *Otoe* county, Mason Crouch, Rochester Hedges, John Beuter, George P. West; *Cass* county, Samuel M. Kirkpatrick, Samuel Maxwell, James T. A. Hoover, John McF. Hagood, *Johnson* county, Milo K. Cody; *Lancaster, Seward,* and *Saunders* counties, William Imlay; *Sarpy* county, Amos Gates, Martin Langdon; *Douglas* county, Elias L. Emry, Andrew J. Critchfield, Charles M. Conoyer, Charles H. Brown, James W. Pickard; *Dodge* county, William H. Ely; *Platte* county, Guy C. Barnum; *Washington* county, William N. McCandlish, Horace M. Hitchcock; *Platte, Hall, Buffalo,* and *Merrick* counties, Frederick Evans; *Dakota* county, John Heffernan; *Dakota, Dixon, Cedar,* and *L'eau-qui-court* counties, Nathan S. Porter; *Dixon, Cedar,* and *L'eau-qui-court* counties, George A. Hall; *Gage* and *Jones* counties, Dr. Herman M. Reynolds; *Saline, Butler, Kearney,* and *Lincoln* counties, A. C. Leighton; *Lancaster* county, John Cadman; *Burt* and *Cuming* counties, John D. Neligh.

few United States volunteers within reach did their duty nobly. The Nebraska first, rendered illustrious by so many brilliant achievements in the south, and the second Nebraska veteran cavalry, promptly responding to the call of the executive, moved at once to the post of danger; and the militia, with equal alacrity, hastened to the relief of their brethren on the more exposed frontier and the emigrants upon the plains. These efforts were crowned with substantial success. The feeble settlements were protected from the impending danger, the Indians, with very few exceptions, were driven from our border, and the various lines of communication between the Missouri river and the mountains and mining districts of the West were again opened to the traveler and emigrant. It is to be regretted that these savages were not more severely punished so as to effectually deter them from a repetition of their barbarities in the future."[1]



PHINEAS WARRENER HITCHCOCK[3]
Sixth delegate to Congress 1864–66; United States Senator 1871–77

The statement of territorial finances in the message shows a slight decrease of the debt, but, owing to the chronic and considerable delinquency of the counties a formidable part of the resources still consists of past due taxes. The message forcibly urged the passage of a general herd law; but while such a measure was pushed hard in the legislature, the pastoral sentiment of the people was still so dominant that it failed of passage, though in its stead special herd laws, applying to such counties as desired them, were enacted. The message states the condition and prospects of railway building at that time as follows:

"It will be gratifying to you and the people of the territory to know that the work on the great Union Pacific railroad, which is to pass through the entire length of Nebraska, is progressing at a very commendable rate. The work of grading, bridging, and preparing the ties is progressing much more rapidly than had been anticipated by our most sanguine people. I feel fully authorized to say that unless some unforeseen misfortune attends this great enterprise more than fifty miles of road westward from Omaha will be in readiness for the cars before your next annual meeting. . . . Another line of railroad, which is designed to connect with this route within the limits of our territory, has recently been surveyed on the south side of the Platte river. This line is designed to be an extension of the Burlington and Missouri River Railroad, and from the favorable reports made by the engineers there can scarcely be a doubt that work will soon be commenced on that line also."[2]

The governor reopened the question of state government thus:

"During your last session a joint resolution was passed, asking congress to pass an act to enable the people of Nebraska to form a con-

[1] Council Journal, 10th Ter. Sess., pp. 12, 13.
[2] Ibid., p. 17.
[3] Phineas Warrener Hitchcock was born in New Lebanon, N. Y., Nov. 30, 1831, and was the descendant of New England stock. After a common school education he attended Williams college, where he graduated in 1855. For two years he remained in New York state, part of the time as reporter on a paper in central New York and part of the time engaged in the practice of law. Shortly after being admitted to the bar, however, he turned his eyes westward, and joining the army of ambitious men sought a home in the trans-Mississippi country and settled in Omaha, Neb., in 1857. The town was then little more than a village, reached by stage, or by steamboat up the Missouri river from St. Louis. On Dec. 27, 1858, he married Annie Monell, the daughter of Dr. Gilbert C. Monell, one of the pioneers of the state, also a New Yorker. He took up the practice of law and much business incidental to a lawyer's practice. He soon entered politics, and in the year 1860 was elected a member of the national Republican convention which nominated Abraham Lincoln for president. In the following year he was appointed by the president marshal for the territory of Nebraska, and he later held the office of surveyor-

Truman Lincoln Sweet

stitution preparatory to an early admission into the union as one of the independent states. Congress passed the act, but it was done near the close of the session, and there was scarcely time enough allowed between the date of the reception of the bill in the territory and the election of the members of the convention for the people to learn of its passage—certainly not enough to enable them to consider thoroughly and dispassionately the principles of the bill or the terms on which it was proposed to admit the territory into the family of states. Under these circumstances, a large majority of the people decided that the members of the convention should adjourn without forming or submitting any constitution whatever. This decision of the people, under the circumstances, was just what might have been anticipated. It, however, is no proof that when convinced that liberal terms are proposed by the general government they would not readily consent to take their place in the great family of states."[1]

It is further stated that the strongest argument against a state government was that "we ought not to tax ourselves for anything which the general government is willing to pay," and this argument is disapproved on the ground that the general government's resources were taxed to the utmost on account of the war expenses.

But Morton, whose sense of humor and scent for satire bubbles over in these early days, sees comedy, chiefly, in this ostensibly sober state paper:

"The *News* judges from its appearance that the impression was taken on type 21 years of age and coal tar used instead of printing ink, the paper of the texture and appearance of a superannuated shirt-tail. The printers have done ample justice to the matter printed, and the matter printed is in most perfect accord with the style of its printing. . . . The next extra good thing is on 'the freedmen of the war!' Alvin desires the people of Nebraska to find suitable employment for said sable citizens, and the people unanimously agree that the aforesaid charcoal images of God may be suitably employed boarding round among the abolition officials of Nebraska. In short the nigger is the biggest and whitest thing in the message."

The governor had seriously suggested in the message that the legislature should undertake to find employment for slaves recently set free.

The auditor (and school commissioner) gives in his report an account of the first leasing of the school lands of the commonwealth:

"Under instructions from this office, the clerk of Sarpy county, during last year, leased a number of tracts of lands, and will probably realize, when all collected, near $200.00 for the one year. I have had numerous applications for leases of these lands, and could I have a general law, under which the rents could be promptly collected, I have no doubt that several thousand dollars could be obtained annually from that source."[2]

The legislature at this session authorized the issue of bonds to an amount not exceeding $36,000 to provide payment of the militia called out by the governor's proclamation of April 11, 1864, on account of the Indian uprising; authorized the governor to arrange with the state of Iowa for the care of the insane of the territory; amended the militia

general in the territory. In the year 1864 he was elected as a delegate of Nebraska territory in Congress. In 1871, after a fierce political struggle, he was elected to the United States Senate, where he served for six years. At the expiration of his term in the year 1877, after a most bitter controversy, he was beaten in the election by a narrow margin, and from then until the time of his death, July 10, 1881, he devoted himself to business affairs. During the time he participated in politics he was one of the influential republicans of the state, whether as a holder of office himself or merely as a leader of his party. His domestic life was a most happy and contented one until it was interrupted by the death of his wife in 1877 and further marred by the death of his daughter Grace in 1880. When he died, July 10, 1881, he left two sons, Gilbert M. Hitchcock, who still survives him, and John Gray Hitchcock, who died a few years afterwards. While in Congress, Mr. Hitchcock was the author of a number of measures passed for the benefit of the West, among them being the timber culture act and the act admitting Colorado to statehood. He was a man of exemplary personal habits and of domestic tastes, possessed of keen perceptive faculties, of liberal education, and many of the qualities for leadership among men. He was a man of deep sensibilities and strong personal feelings, both in his friendships and antagonisms. His political success was due very largely to the enthusiasm and earnestness of his political friends and supporters. As a speaker and as a writer he was effective and influential. He took an active part in all matters in which the city and state of his adoption were interested. For a number of years he was one of the chief owners of the Omaha *Republican*, and a frequent contributor to its editorial columns. He died at the age of forty-nine years from appendicitis.

[1] Council Journal, 10th Ter. Sess., p. 18.

[2] Ibid., p. 27.

law, but still required all able-bodied men between the ages of eighteen and forty-five to be enrolled; provided for the election of the auditor and treasurer biennially, instead of annually, after the year 1866; disconnected Buffalo, Hall, and Merrick counties from Platte county, and allowed them one member of the house of representatives; attached Saunders county to Cass for judicial, election, and revenue purposes; legalized the organization of Jones county and declared its organization complete; attached all that part of Polk county north of the Platte river and west of the Loup Fork river permanently to Platte county; and adopted memorials to Congress for an appropriation to pay the expense of the Indian war, and for the building of a hospital for the insane. The legislature also graciously responded to the coyly expressed hint of the message that a recommendation for the reappointment of the governor would not be offensive, and threw in a similar request on behalf of the secretary. This action, tending toward harmonizing and building up the Republican party, was and is characteristic of the solidarity of that organization, and was in sharp contrast to the constant and bitter strife between the leaders of the Democratic party through all the territorial days.

In July, 1866, Congress appropriated $45,000 to be applied in reimbursement of expenditures "for the pay, equipment, and maintenance of territorial troops in the suppression of Indian hostilities and protection of the lives and property of citizens of the United States," in the year 1864. The allowance for troops was limited to the companies called out by the governor and placed under control of the general commanding the troops of the United States in the territory.[1] The claim presented by the territory "somewhat exceeded" the amount of the appropriation.[2] In his message of May 17, 1867, Governor Butler stated that Governor Saunders had succeeded in collecting $28,000 on this account, and in his message of January 8, 1869, he complains that the balance is still unadjusted.

Governor Saunders was reappointed in April, 1865, and served until he was superseded by David Butler, the first governor of the state, in 1867. In the same month, Judge William Kellogg, of Peoria, Illinois, was appointed chief justice of the territory in place of William Pitt Kellogg, who had been appointed collector of the port of New Orleans. His party organ gave the gentleman of Louisiana "returning board" fame the following unequivocal send-off: "W. P. Kellogg was a very pleasant gentleman for whom we always entertained a feeling of friendship, but he neglected his duties as judge by his almost uniform absence at term time. We are mistaken in the temper of the bar of this territory, and especially of this city, if they quietly submit to those things four years longer."[3] It is said by contemporaneous citizens that the second Judge Kellogg resembled his predecessor in name chiefly, and though an acute politician was also a good judge.

The Republican territorial convention[4] for 1865 was held at Plattsmouth, September 19.

[1] United States Statutes at Large, vol. 14, p. 307.

[2] Governor's message, Jan. 11, 1867, Council Journal, 12th Ter. Sess., p. 8.

[3] Omaha *Republican*, Apr 28, 1865.

[4] The territorial Union (republican) convention was held at Plattsmouth, Sept. 19, 1865. Royal Buck was temporary chairman and Samuel M. Rich, temporary secretary. The committee on permanent organization were Dr. Frederick Renner, Alexander D. McAusland, Samuel M. Rich. The committee on credentials were, William H. Miller, Ezekiel A. McClure, Willett Pottenger. The officers of the permanent organization were James Sweet, president; Willett Pottenger, Alexander D. McAusland, vice-presidents; Samuel M. Rich, secretary.

The delegates to the convention were as follows: Richardson county, Oliver P. Mason, proxy; Nemaha county, Thomas W. Tipton, Samuel M. Rich; Otoe county, Frederick Renner, William H. Miller, Royal Buck, James Sweet; Cass county, Samuel Maxwell, Willett Pottenger, Ambrose C. Mayfield, John W. Marshall, Joel T. Parcel, Hiram D. Hathaway; Douglas county, Randall A. Brown, Alexander D. McAusland, Ezekiel A. McClure, Samuel A. Orchard, George R. Smith, Jesse B. Plummer, Jeremiah C. Wilcox; Johnson, Gage, Jones, and Pawnee counties, Jefferson B. Weston.

On motion of J. B. Weston, Augustus Kountze was nominated for territorial treasurer by acclamation; and on motion of George R. Smith, John Gillespie was nominated for territorial auditor, also by acclamation.

The following territorial central committee was chosen: Thomas W. Tipton, Nemaha county; Charles F. Walther, Richardson county; Oliver P. Mason, Frederick Renner, Otoe county; John W. Marshall, Nathaniel H. Murphy, Cass county;

Jefferson B. Weston[1] of Gage county nominated John Gillespie, of Nemaha county and "of the Nebraska 1st" regiment, for auditor, and Thomas W. Tipton of Nemaha county nominated Augustus Kountze for treasurer, and both were chosen by acclamation. The nomination of Mr. Gillespie was the first formal recognition of the soldier element in Nebraska politics, which afterward became a settled practice of the Republican party.

The Democratic territorial convention of 1865 met at Plattsmouth, September 21. The democrats of the country were now beginning to see in Andrew Johnson's patriotism—or apostasy—a ray of hope for resurrection from their self-interment of 1864, and Morton proceeded with alacrity to encourage the embarrassment which was encompassing the republicans of the territory. At the head of the committee on resolutions, composed as to the

Henry T. Clarke, Sarpy county; Edward B. Taylor, George R. Smith, Douglas county; Dr. Herman M. Reynolds, Gage county; John A. Unthank, Washington county; James Stott, Dakota county; John P. Becker, Platte county. Oliver P. Mason was chosen temporary chairman of the committee.

A committee consisting of Thomas W. Tipton, Oliver P. Mason, and George R. Smith reported the following resolutions, which were adopted by the convention:

"Whereas, Since the last meeting of the union party of this territory, a great party victory has been achieved in our delegate election and a period has been put to the active military power of the slave-holders' rebellion; we therefore, reaffirm that as lovers of the constitution and laws, and to preserve the union, we formed this political organization, and for the maintenance and preservation of the same we invite and solicit the active co-operation of all loyal citizens; and,

"Whereas, The policy of our martyred president was indicated and developed by the necessities of the war as it progressed, we now attest the wisdom which caused him devotedly to work and patiently to wait; and,

"Whereas, The great and arduous work of reconstruction, in the hands of his successor and congress is as new and unprecedented in this nation as was the war which preceded it; therefore,

"Resolved, That having unqualified confidence and fully endorsing the policy and patriotism of Andrew Johnson, president of the United States, we await the development of the reconstruction of the union, confidently believing that through his counsels and the legislative wisdom of the people justice will be done; the laws vindicated, and the constitution and union preserved.

"Resolved, That all the benefits accruing from the sacrifice of life and expenditures of treasure can only be secured by elevating to office the devotedly loyal and carefully excluding from office the disloyal.

"Resolved, That we are proud of the soldiers of Nebraska, who by years of patriotic toil and sacrifice have aided in sustaining the nation's life and honor, and upholding the constitution and laws; and that they are entitled to the gratitude and assistance of all lovers of the union, and to imperishable and undying honors.

"Resolved, That in the election of territorial and county officers we invite the earnest and hearty co-operation of all loyal men without regard to former party affiliations, and welcome them to our organization."

The second resolution was of typical and portentous import, for it illustrated a spirit, and foretold a practice of self-devotion in the Republican party whose boldness and success have never been equaled in any other party organization. But in particular Tipton meant by it that he, and not Morton or Poppleton, should presently be chosen United States senator. And Tipton well understood his signal advantage over his otherwise much stronger and better equipped rivals. Tipton had officially prayed and professionally preached for the success of the northern cause—which involved the success of the Republican party—while Morton and Poppleton were temperamentally incapacitated for such advantageous devotions.

[1] Jefferson Burns Weston, son of Eliphaz and Elizabeth (Longfellow) Weston, was born in Bremen, Lincoln county, Me., Mar. 23, 1831. His parents were both natives of the Pine Tree state, and of English descent. Jefferson B. Weston received his early education in the country schools of his native state, supplemented by a classical course at Union college, New York, where he graduated in 1856, receiving the degree of A. B. The same year he started west, stopping first at Chicago, where he remained one year. In 1857 he came to Nebraska territory via St. Louis, passing up the Missouri river from that city to Nebraska City on the steamboat "Hannibal." On the way up the river a company was organized for the purpose of effecting a settlement in Nebraska, and a constitution and by-laws were adopted and signed by thirty-five of the three hundred passengers. From Nebraska City two exploring parties were sent out, one to the west through Otoe, Lancaster, and Seward counties, the other to the southwest to explore the territory embraced in Johnson, Gage, Jefferson, and Saline counties. Mr. Weston was a member of the committee appointed to make these investigations, and which finally decided upon the present site of Beatrice as possessing the most advantages, and especially on account of the numerous creeks in the vicinity. There the first stake was driven, Apr. 29, 1857. At this time the range lines had been established, but the section lines had not been run. Here Mr. Weston has since resided and for many years has been president of the Beatrice National bank. He is a republican in politics, and has served two terms as state auditor, from Jan. 13, 1873, to Jan. 9, 1879, the first term being for four years, and has been an important factor in the affairs of the state. Mr. Weston affiliates with the Unitarian church. He was married in Beatrice, April 30, 1860, to Miss Helen Towle, eldest daughter of Albert Towle, the latter also a member of the original Beatrice colony. Four children have been born to Mr. and Mrs. Weston, viz.: Ralph A., a graduate of the Nebraska state university; Elizabeth L.; Katharine, deceased, a graduate of the state university; and Herbert T., a graduate of Yale college.

rest of Edward P. Child[1] of Douglas county and John Rickley of Platte county, he reported the following platform, which was adopted by the convention:

"1. *Resolved,* That the measures adopted by President Johnson for the restoration of the southern states to their rightful position in the union, and his recent public expressions on that subject are wise, safe, humane and patriotic, that they coincide with the time-honored theories of the democracy of the nation upon the relations of the states to the general government, *of which theories the present chief executive has, in times past, been an eloquent and powerful champion;* that the sentiments recently expressed by him towards the people of the south are an emphatic rebuke and repudiation of the policy, theories and public expressions of the republican party on the subject of the relation not only of the northern but of all the states to the federal power, and that the *pretended* endorsement, by the late convention of republican office-holders in this territory, of the views and measures of the president *is a flat contradiction* of the policy they have, until now, advocated, and deserves, therefore, to be treated with that contempt and distrust which honest men always pay to *deceitful* words which stultify those who utter them.

"2. *Resolved,* That the qualifications of electors should hereafter, as heretofore, be regulated by each state for itself and that the attempt of the republican party to compel the southern people to admit negroes to the elective franchise is as unjust and unwarrantable an interference with the reserved rights of the states as it would be to force California to permit Chinamen to vote, and that the silence on this great question of the republican office-holders in their late convention when pretending to speak for their party, and when speaking in vague and general terms of the policy of the president towards the south, clearly shows that *they are dishonest in what they do* say and that they are holding their opinions upon this subject in reserve, to be suited to the uncertain developments of these shifting times.

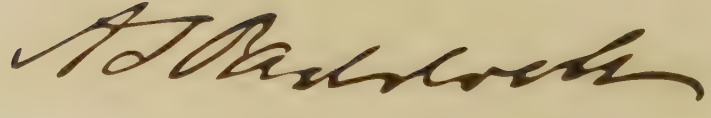
"3. *Resolved,* That negroes are neither by nature nor by education, entitled to political nor social equality with the white race, that we are opposed to permitting them to hold office in this territory themselves or to vote for others for office; that we are bitterly hostile to the project of amending the *Organic Act* so as to permit them to vote, now sought to be secretly accomplished by republicans, and we *denounce as cowardly and deceptive,* alike to friends and foes, the silence of the office-holders' convention on this most important point.

"4. *Resolved* that we deem the vote of the people, but lately taken, by which they declared themselves in overwhelming majorities opposed to the admission of this territory as a state into the union, as decisive of that question, and are astonished at the persistent renewal of the effort of republican office-holders to force such a change of our condition upon us; that in order again to test the popular opinion on that subject, which should always be determined by the people in their primary capacity, we demand that all laws hereafter enacted, whether by the legislative assembly or by congress, providing for a convention to frame a constitution, require a vote to be taken at the time of the election of delegates, whether or not a convention shall sit for that purpose."[2]

These drastic resolutions were voted upon separately, and all adopted without dissent. The declaration of the status of the negro is not much out of harmony with the present general public opinion which has been reached after forty years of painful experiment along the lines of an opposite theory, and the established practice to-day in every southern state is in accordance with Morton's harsh dictum. Each of the two platforms here reproduced was prepared by a young and ambitious leader of the respective parties, and whatever might be said questioning the wisdom or discretion of Morton's declaration, its virility, strength, and boldness put the other, which was principally political fishing, in conspicuous contrast. And yet this prudent preaching of the one was to open to its author the gates of official preferment, while the vigorous but discordant ingenuousness of the other would be a bar against his political success. At this distance the denunciation of negro suffrage for this northern territory seems like gratuitous flying in the face of popular prejudice or sentiment. The question never has been of practical importance in Nebraska. The abuse heaped upon Morton by the republican

[1] Child was secretary first Omaha board of trade.

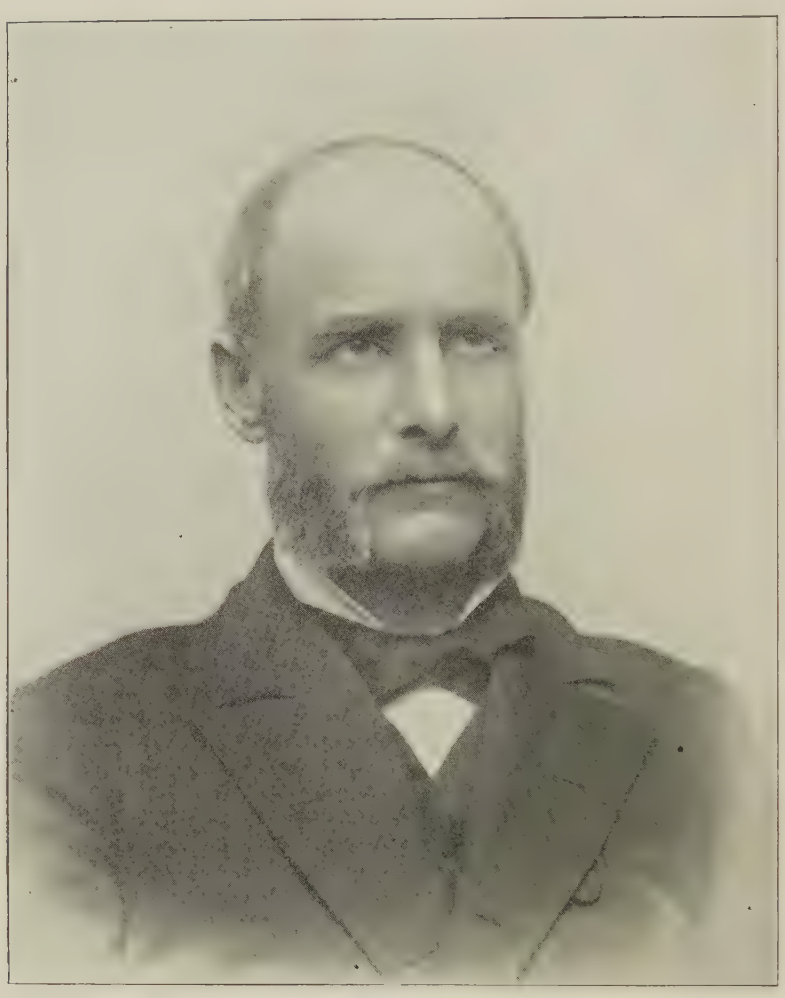
[2] Nebraska *Advertiser,* Sept. 28, 1865.



newspapers on account of this platform and his other similar declarations was unusual even in those days of unbridled license of the political press.

And yet it would be unjust to deny to the republican leaders of that day, such as Turner M. Marquett, Oliver P. Mason, George B. Lake, John M. Thayer, Robert W. Furnas, and Algernon S. Paddock,[1] most of whom were recent deserters from the Democratic party, a measure at least of that philanthropic desire for the amelioration of the condition of the negro race, and belief that the ascendency of the Republican party at that time was essential to the attainment of that object, and even for the preservation of the Union, which so largely actuated the rank and file of their party. But, on the other hand, it would be unjust to deny to the democratic leaders, such as George L. Miller, J. Sterling Morton, Andrew J. Poppleton, Eleazer Wakeley, James M. Woolworth, George W. Doane, Charles H. Brown, and Benjamin E. B. Kennedy, as well as their party followers, the sincere belief that radical republicanism would hurtfully enfranchise the negro and obstruct the real restoration of the Union. Furthermore, it should be said, to the everlasting credit of these veteran democrats, alive and dead, that their unswerving allegiance to their

[1] Algernon Sidney Paddock was born in Glens Falls, N. Y., Nov. 9, 1830, and is descended from old New England stock. The family is of record as residing in Barnstable, Mass., as early as the middle of the seventeenth century. His father, Ira A. Paddock, was a prominent and esteemed lawyer of Glens Falls. Two of his uncles were members of the legislature of the Empire state. Educated at the academy of his native town, and leaving it at eighteen years of age he went to Union college at Schenectady, N. Y., and continued his studies until his senior year, when financial conditions compelled him to leave and teach school while prosecuting the study of law. In May, 1857, he went to Omaha by steamer from St. Louis and joined his cousin, Maj. Joseph W. Paddock, then for three years a prominent resident of the territory. Mr. Paddock came to the young territory of Nebraska during President Buchanan's administration. He early attained prominence in a community of strong and virile personalities. Although he at once preempted a farm at Ft. Calhoun, most of his time was spent in Omaha with whose interests, as the metropolis of the territory and state, he was intimately connected until the time of his death. His energy was boundless and his hopefulness without limitation. During 1858–59 he was engaged in editorial work on the Omaha *Republican*, where his felicity in political writing, which never left him, made him a valued contributor. His strong anti-slavery views and his recognized ability attracted prompt attention, and he was sent as a delegate to the national Republican convention, which in 1860 nominated Abraham Lincoln for the presidency. There was a demand for his services upon the stump in his native state of New York, and during the campaign he was an effective speaker in the canvass of that state. At the request of his friend, William H. Seward, President Lincoln appointed him secretary of Nebraska territory in 1861, which office he held with distinction until the admission of the state into the Union in 1867. In that year he was a candidate for United States senator, but was defeated by Gen. John M. Thayer. A year later President Johnson nominated him for governor of Wyoming, but he declined the honor. For seven years subsequently Mr. Paddock devoted himself principally to business pursuits and became a prominent factor in all the enterprises for the upbuilding of the state, enlisting large amounts of eastern capital and working with that unwearying industry which was his dominant characteristic. He moved to Beatrice, Gage county, in 1872, and made it his home until his death. In 1875 he was elected United States senator, succeeding Senator Tipton in that year. He was defeated in 1881 by Charles H. Van Wyck. In 1882 he was appointed a member of the Utah commission by President Arthur, upon which body he served with distinction until Oct. 1, 1886, when he resigned, having previously tendered his resignation, but continued to serve at the earnest solicitation of the president. In 1887 he was chosen a second time to the Senate, succeeding Senator Charles Van Wyck, and serving until 1893, when his place was taken by William V. Allen. Mr. Paddock's earliest public services to the nation were rendered as secretary of the territory. He was earnest and enthusiastic in the work of raising troops for the Civil war, and in enlisting militia for the protection of settlers from Indian incursions. He thoroughly studied the needs of the community of which he was an official, and familiarized himself with frontier conditions. Genial and always accessible, he acquired a widening circle of friends and paved the way for the subsequent public honors which awaited him. When he first entered the Senate in 1875 few of his associates from the West were as well equipped as himself to work for, and vote intelligently upon, the important subjects of legislation proposed for the western country. Settlement under the land laws, Indian depredations, school land selections, surveys and resurveys, the question of Indian reservations, and the needs of the border for military protection were all questions familiar to him before he went to Washington. He was an indefatigable worker for the state, devoting most of his time in committee rooms and on the floor to the discussion of matters of prime interest to Nebraska. The first river and harbor appropriation for the state was secured by Senator Paddock; the retention of the headquarters of the department of the Platte at Omaha was assured by the appropriation for a building. Ft. Niobrara was established, a road to the Black Hills located, school indemnity lands confirmed, and relief given to the Otoe settlers and to the grasshopper sufferers. To catalogue the measures which were placed upon the statute books during Senator Paddock's first term through his initiative and labors would be to omit few from the list. As chairman of the committee of agriculture he began those efforts for the upbuilding of the bureau



H. S. Kaley

party, through its many years of ill-repute, plainly meant to them political self-sacrifice and seclusion, while by cutting loose from their unpromising moorings and floating with the popular republican tide they would have gathered both honors and emoluments. Nor may we of to-day felicitate ourselves that the political fustian and buncombe of those early days has changed in great measure, either in quality or quantity. A well-known English writer illustrates their present prevalence in a recent article entitled "Rot in English Politics:" ". . . The Disraelian myth, which has changed the most un-English of all our prime ministers into an almost sacramental symbol of patriotism, has been worth many a legion to Lord Salisbury. The Primrose League is ridiculous enough, but men who want big majorities must not scorn the simply ridiculous, nor do they."

The democratic candidate for auditor was John S. Seaton—who, like his opponent, belonged to the "old Nebraska 1st"—and for treasurer, Saint John Goodrich.[1] The republican, nominally the "union" ticket, was successful, Kountze having a majority of 852 and Gillespie of 694. With the soldier vote added Kountze had 3,495 votes and Goodrich

of agriculture which later resulted in the change to a department. It was Senator Paddock's work on this line which secured cattle quarantine, the stamping out of Texas fever, and the meat and cattle inspection laws which have proved of immense value to the farmers, and have made possible an increasing export trade. In 1882 Mr. Paddock was called to another high position of national trust as member of the newly appointed Utah commission. It was a distinguished body of men, created to settle a problem which had for thirty years defied a solution. The Mormon church was to be taught to obey laws and to learn that polygamy was a crime which would be punished as such. His associates on the Utah commission and the people of Salt Lake City paid him well-deserved praise for the faithful and untiring work which for years Mr. Paddock performed in this connection. When he resigned in 1887, most of the problems had been solved. The law was supreme. Church and state had been separated. People had at last divided into political parties, and statehood was at hand. The persistency of his labor is indicated by his splendid record in his second term in the Senate when 328 bills either introduced or reported by himself were passed. Their character was no less noticeable. A large proportion of the measures in which he interested himself were of direct importance to the state. Most of the others bore upon questions relating to the public lands, the interests of agriculture, the settlement of Indian depredation claims, for which Nebraska had so long waited, and the payment of pensions to the deserving soldiers, their widows, and orphans. As chairman of the committee on agriculture his name will ever be associated with the bill to prevent food adulteration which he passed through the Senate against the most active opposition, and his report and speeches upon pure food will always form the basis for subsequent legislation on this subject. In consequence of a resolution which he introduced in the winter of 1890, the interstate commerce committee made an investigation of alleged excessive freight rates on agricultural products between the west and the lakes, and as a result issued an order which was obeyed by the railroads, making a reduction which saved hundreds of thousands of dollars to Nebraska producers. In addition to Senator Paddock's labors in the committee rooms and upon the floor he had an immense correspondence with the resulting work which it called upon him to perform at the various departments. While other senators were content to leave in a large degree this routine work to clerks and subordinates, Senator Paddock cheerfully insisted upon doing this himself, because he believed he could better perform these duties than a substitute. He secured results for his labor in hundreds of cases of deferred pensions, belated land entries, and delayed settlements, and in accounts for constituents the record of which is in the grateful hearts of those benefited. Senator Paddock's public career was marked by an unswerving loyalty to Nebraska, unremitting energy, faithful and conscientious devotion to duty, and large ability. Integrity and industry were the keynotes to his character. United to ability and experience, they formed the diapason of his political success. Senator Paddock's personality was very attractive; there was an indefinable charm of voice and manner and a sweetness of disposition that greatly endeared him to those with whom he came in contact. His courtesy was unvarying, his patience untiring. His chief characteristic as a business man was supreme and overmastering optimism. His faith in Nebraska was unbounded—no less in the periods of greatest depression than in abundant prosperity—to him it was the world's center of opportunities. In his death, which occurred Oct. 17, 1897, Nebraska lost an earnest advocate, a faithful public servant, and a friend whose loyalty was unbounded. Mr. Paddock was married Dec. 22, 1859, to Miss Emma L. Mack of St. Lawrence county, N. Y., a daughter of Daniel Mack of that state. Their married life was a particularly pleasant one, and was blessed with five children. Of these Daniel Mack and Susie A. died at an early age, while Harriet, wife of O. J. Collman, Beatrice, Neb., Frances Amelia, Lincoln, Neb., and Franklin Algernon, Kansas City, Mo., are still living. Mrs. Paddock now (1904) resides in Lincoln.

[1] Saint John Goodrich was born in Walton, N. Y., Dec. 27, 1809, and settled in Omaha, Apr. 6, 1860, where he engaged in the mercantile business, and was one of the early proprietors of the Farnam House. He was a member of the Omaha city council in 1862–63, and commissioner of Douglas county in 1864. Was made an Odd Fellow in Feb., 1849, at Warren, Pa. He was prominent in Oddfellowship in Nebraska, joining Omaha Lodge No. 2, by card in 1863. Entering the grand lodge in 1864, he was elected grand representative, and grand master in 1872. He died Jan. 16, 1878. One son, Charles S. Goodrich, was city comptroller of Omaha in 1887.

2,573. Bitterness to the extent of scurrility characterized the campaign. The *Advertiser* in particular, after Furnas left it, was mainly a mess of scurrilous epithet of which this is a scarcely adequate sample:

"The consequences of inviting the disfranchised renegades of the other states to Nebraska City, as was done by the Nebraska City *News,* just after the adoption of the new constitution of Missouri, are becoming more apparent every day in the theft, larceny and rowdyism of that city, which is alarmingly on the increase. Men have been knocked down on the streets of that city and robbed; men, boasting of being disfranchised Missourians, perambulate the streets in bands and make it unsafe for unarmed pedestrians. Horse stealing is again on the rampage. Three horses were stolen on the night of the 14th from that city; one from Julien Metcalf, which he has since recovered, and two (over which we shall shed no briny tears) from J. Sterling Morton. This is rather a steep contribution on Morton for their assistance in 'voting down the blue-coated, brass-buttoned yankees.'"[1]

The same organ[2] assailed the Democratic territorial platform, and Morton "a pupil of Vallandigham," as the author of it, in language which it would be rather complimentary to call billingsgate. And this illustrates the ferocity of the appeal to war passions:

"The so-called democracy of this county, after due consideration and discussion, have hoisted the name of Joseph I. Early as a candidate for councilman, for the purpose of contesting the seat of Hon. J. W. Chapman.[3] . . . Mr. Early proclaimed, in a public speech at Nebraska City, last fall, that he looked upon Abraham Lincoln as a tyrant and usurper of power, and denounced the union soldiers as robbers, thieves and murderers. He also said publicly that he had assisted in the notorious Baltimore mob, and that he would yet assist in hanging Abraham Lincoln."[4]

And there was little restraint in the discharge of explosive epithet through the columns of the democratic press. A sample Mortonism from the *News* will suffice: "As Mr. Goodrich [democratic candidate for treasurer] has had no government contracts, owns no untaxable United States bonds, is not a distant relative of the man who killed Christ, and does not run a bank, we presume he is not as rich, though he may be quite as honest, as Mr. Kountze or any other moneylender of the Jewish persuasion in Nebraska." But in the reckless game of politics it did not matter that Mr. Kountze was, by profession, a Lutheran and a prominent member of the Lutheran church.

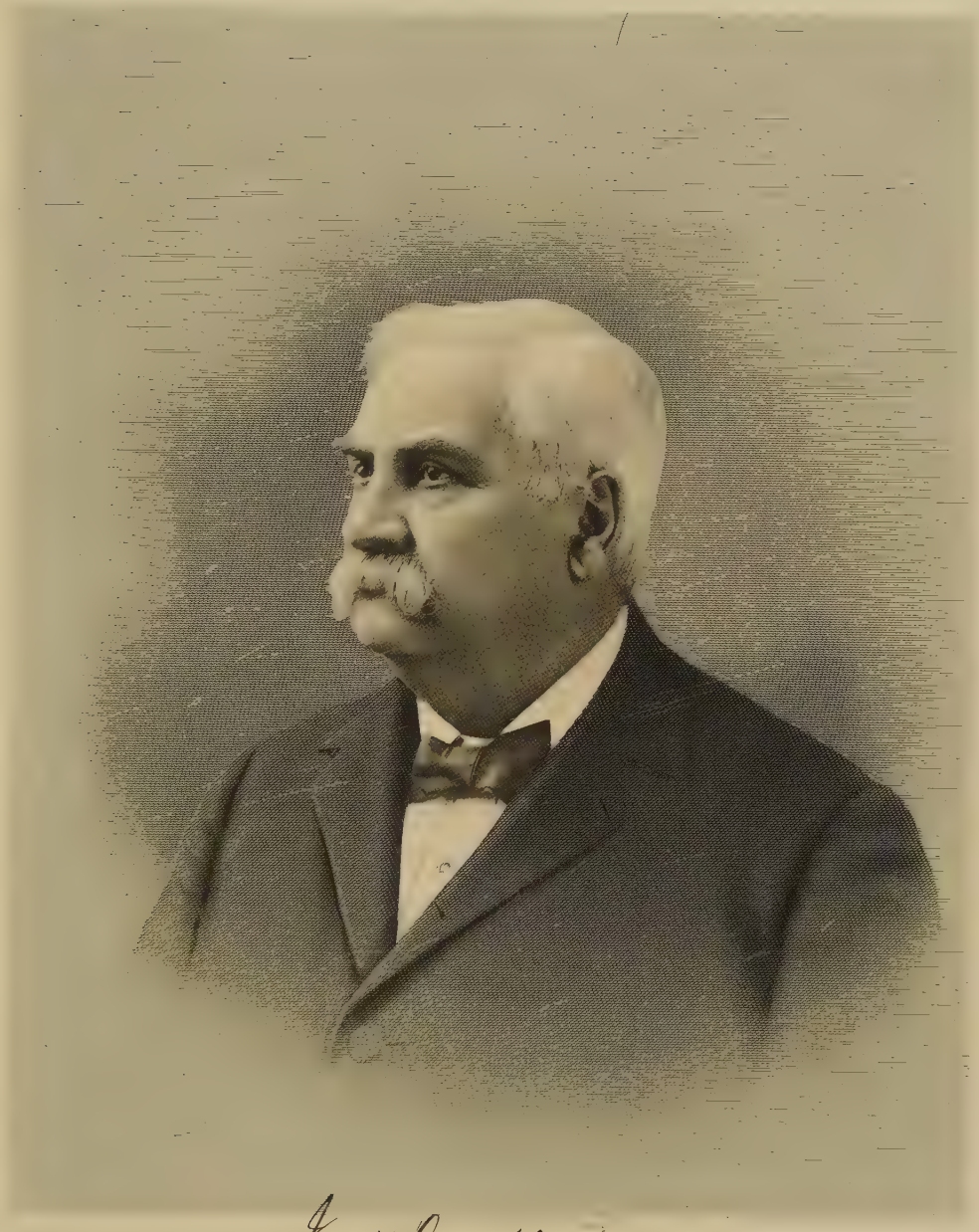
Of the twenty-three counties voting at this election only six—Dakota, Dixon, Douglas, Otoe, Platte, and Sarpy—were democratic, all of them but Platte of the older and border counties. Otoe remains the banner demo-

[1] The Nebraska *Advertiser,* Nov. 23, 1865.

[2] Ibid., Sept. 28, 1865.

[3] John Wilson Chapman was born in Blairsville, Indiana county, Pa., July 19, 1835. He was the fourth son of a family of eight children, six boys and two girls. His father, Joseph Chapman, was born in Westmoreland county, Pa., and was a prominent citizen of that state. His mother, Eliza (Pollock) Chapman, was a daughter of Judge James Pollock of Ligonier, Pa., who served on the bench in the early days of that state for a number of years. In 1843 the parents of Mr. Chapman emigrated to the territory of Iowa, settling near Burlington. Here the family experienced the hardships and learned the lessons of pioneer life on a farm. The children received the best common school education possible in a new country. At the age of twenty-three Mr. Chapman married Annagene Gillette, daughter of Rev. J. G. Gillette, then president of Yellow Springs college, Des Moines county, Iowa. During the year 1858 Mr. Chapman removed to Plattsmouth, Neb., where he was engaged as a salesman for Spratlin & Johnson, and Tootle, Hanna & Co., prominent outfitting merchants for the extensive trade of the west. Here Mr. Chapman's natural abilities at once became recognized. He was chosen a member of the upper house of the Nebraska territorial legislature and became one of its leaders. He took a prominent part in securing the admission of Nebraska to the Union, and in the drafting and submission of the first state constitution, and was a prominent candidate in the convention which named John Taffe for Congress. In 1865–66 he was editor of the Omaha *Republican.* At this time, 1867, he was induced by his former employers, Messrs. Spratlin & Johnson, to embark with them in the mercantile business at Council Bluffs, Ia., as a member of that firm. Here he shortly became editor and proprietor of the Council Bluffs *Nonpareil,* which paper under his editorial direction soon became the principal and prominent republican organ of western Iowa. Mr. Chapman served four years as county treasurer of Pottawattamie county and eight years as United States marshal of the state of Iowa. In 1884 he severed his connection with the Council Bluffs *Nonpareil.* In failing health he was, in 1885, elected mayor of Council Bluffs, and was serving in that capacity at the time of his death, June 19, 1886.

[4] Plattsmouth *Herald,* Sept. 27, 1865.



Jas. G. McGrath

cratic, and Nemaha the banner republican county. The remarkable and persistent political differences between these two adjoining and border counties is explained by the fact that the dominating early settlers of Otoe were of the south and so of southern sympathy, which then involved democratic politics, while Nemaha was earlier dominated by northern men. This difference is further explained by a retort of the *Advertiser* to an assertion, attributed to Morton, in the *News* of June 8, that "radicalism in Nemaha county has by its intolerance and bigotry, by fierce fanaticism and zealous hatred of democracy, driven one million dollars of Missouri capital out of the boundaries of Nemaha and into Otoe county." The reply quotes from the *News* of July 1, 1865, as follows: "The disfranchised citizens of Missouri will unquestionably seek new homes. The over-riding of honor and equity, and the entire lack of charity exhibited by the abolition rulers of the state having deprived them of all privileges of citizenship, they will take up their bed and go to some more hospitable region. We invite them to Nebraska." And then the *Advertiser* adds: "This invitation was not, and never will be endorsed by the union men of Nemaha county, and we have never heard a sound union man regret that the above invited class went to Otoe instead of this county."[1] Five counties—Cuming, Hall, Merrick, Pawnee, and Seward—cast no democratic vote, while Lancaster with one hundred republican against eight democratic votes gave good earnest of her future political propensities.[2]

The 11th legislative assembly convened January 4, 1866.[3] The councilmen of the previous session held over, with the exception of Bayne of Richardson county, who had removed from the territory, and George Faulkner[4] was chosen in his place at a special election.[5] There was a stout partisan contest over the choice of a president of the council, Porter of Douglas receiving 6 votes and Chapman of Cass 6. On the fourth day of the struggle and on the thirty-eighth ballot, the democrats and two republicans voted for Oliver P. Mason, who was already temporary president, and elected him permanent president.[6] The democrats "accorded the presidency to Mason, and elected the remainder of the officers from their party."[7] Wil-

[1] Nebraska *Advertiser*, June 14, 1866.

[2] Following is the complete vote by counties for the offices of treasurer and auditor:

| COUNTIES | KOUNTZE | GOODRICH | GILLESPIE | SEATON |
|---|---|---|---|---|
| Richardson.. | 489 | 237 | 463 | 261 |
| Nemaha..... | 500 | 82 | 508 | 75 |
| Otoe..... | 422 | 714 | 421 | 717 |
| Cass..... | 433 | 402 | 433 | 402 |
| Pawnee..... | 125 | .... | 126 | .... |
| Gage..... | 36 | 12 | 41 | 9 |
| Johnson..... | 88 | 13 | 88 | 15 |
| Sarpy..... | 119 | 200 | 88 | 233 |
| Douglas..... | 413 | 559 | 430 | 564 |
| Washington. | 222 | 21 | 162 | 29 |
| Burt..... | 65 | 41 | 65 | 37 |
| Cuming..... | 28 | .... | 28 | .... |
| Dakota..... | 47 | 83 | 47 | 83 |
| Dixon..... | 10 | 38 | 10 | 38 |
| Cedar..... | 15 | 15 | 15 | 15 |
| Dodge..... | 86 | 29 | 91 | 24 |
| Platte..... | 50 | 82 | 61 | 82 |
| Merrick..... | 25 | .... | 25 | .... |
| Hall..... | 67 | .... | 67 | .... |
| Kearney .... | 8 | 3 | .... | 16 |
| Saunders.... | 28 | 10 | 27 | 11 |
| Lancaster... | 100 | 8 | 100 | 6 |
| Seward..... | 16 | .... | 7 | .... |
| Total ..... | 3401 | 2549 | 3312 | 2618 |
| Majorities. | 852 | | 694 | |

[3] Members of the house were as follows: *Richardson* county, Lorenzo Crounse, John Jay Hart, William Parchen, James D. Ramsey; *Pawnee* county, John R. Butler; *Gage* and *Jones* counties, jointly, Hugh Ross; *Nemaha* county, John Greene, William B. Phillips, William A. Pollock, Rev. John W. Taylor; *Otoe* county, Marshall S. Campbell, James A. Gilmore, John H. Maxon, James Thorn, Albert Tuxbury; *Cass* county, Joseph Arnold, Benjamin Austin, William F. Chapin, Samuel Maxwell; *Johnson* county, James Robinson; *Lancaster* county, John Cadman; *Clay, Lancaster, Seward* and *Saunders,* jointly, Marcus Brush; *Sarpy* county, North P. Leffler, Theodore H. Robertson; *Douglas* county, Charles H. Brown, Frederick Drexel, George B. Lake, James G. Megeath, Joseph W. Paddock; *Dodge* county, James G. Smith; *Platte* county, Guy C. Barnum; *Platte, Hall, Buffalo,* and *Merrick* counties, jointly, John Wallichs; *Washington* county, Elias H. Clark. Charles Eisley; *Burt* and *Cuming* counties, jointly, Rufus B. Bates; *Dakota* county, Cornelius O'Connor; *Dakota, Dixon, Cedar,* and *L'eau-qui-court* counties, jointly, Russel H. Wilbur; *Dixon, Cedar,* and *L'eau-qui-court,* jointly, Lewis E. Jones.

[4] George Faulkner was sheriff of Richardson county from 1868 to 1873. He died in Hodgeman county, Kan.

[5] Council Journal, 11th Ter. Sess., p. 36.

[6] Ibid., p. 19.

[7] Omaha *Herald*, Jan. 12, 1866.

liam E. Harvey, former auditor of the territory, was chosen chief clerk, receiving 11 votes against 1 for John S. Bowen. The house was composed of thirty-eight members.

Gen. Harry H. Heath[1] presented credentials from Kearney, Lincoln, and Saline counties, but a majority of a select committee appointed to examine them reported that he was ineligible, inasmuch as he held the office of brigadier-general of volunteers in the United States army,[2] and the report was sustained by the house by a vote of 19 to 18.[3] So the counties named were without representation at this session. James G. Megeath[4]

[1] General Harry H. Heath was a volunteer officer in the United States army during the Civil war, a native of Ohio, and an accomplished man, who was stationed at Ft. Kearney and was commandant of the garrison there in the early '60s. He was of dark complexion, with black hair and eyes, of medium height and erect and soldierly bearing. He became editor of the Omaha *Republican* soon after his service at Ft. Kearney and later was appointed to a consulate in Peru, where he died.

[2] House Journal, 11th Ter. Sess., p. 10.

[3] Ibid., p. 35.

[4] James Gabriel Megeath, pioneer of Omaha, will be remembered by the people of that city through his agency in the establishment of its most popular and beautiful park, known as Hanscom park, of over two-fifths of which he was the magnanimous donor. Mr. Megeath is a native of Virginia and is descended from one of the early families of the Old Dominion. He was born in Loudoun county, Va., Nov. 18, 1824, at the home of his maternal grandfather. His father was Joseph Pritchett Megeath, who was born in 1800 in the same county, and reared on the farm of his father, Gabriel Megeath, who lived and died in that county. As he neared his majority Joseph Pritchett Megeath left the parental farm and was engaged for some time in trading, operating teams as far away as Ohio. Afterwards he engaged in general merchandizing, owning and operating a farm meantime, for about twenty years, when he retired in comfortable financial circumstances and died at Philomont, Loudoun county, Va., in 1857. James G. Megeath's mother was Elizabeth Cochran, who was also born in Loudoun county, Va., in 1803. She was a daughter of James Cochran, who lived for many years in that county, commanded a company in the War of 1812, was a private soldier in the whisky insurrection of Pennsylvania, and died in the early '70s. She received a common school education, and in 1823 married Joseph Pritchett Megeath. They reared a family of ten children, of whom James G. Megeath was the first. James G. Megeath attended the common schools of the neighborhood until he was thirteen years old, his vacations being spent in useful employment. His first work on his own account was done for an old Quaker, for whom he "dropped" beans in a field, his compensation for four days being fifty cents. At the age of twenty years he became a trader, buying cattle and sheep and selling them to farmers to feed. Then he established a general merchandise store in his native county, but after devoting his attention to it for a short time he left it in charge of his brother, and, in 1851, started to the gold fields of California. For three years he was extensively engaged in the merchandise business in Calaveras county in that state. He returned from the gold fields to his Virginia home in 1854 by way of Nicara gua and New York. He went to Omaha in that year with the intention of remaining there, but could not secure living accommodations in that city, and was compelled to cross the river to Council Bluffs. He remained in the latter city all winter, but voted in Omaha on the day of his arrival from the East. He returned to Virginia in 1855, but two years later again went to Omaha, which has ever since been his home. In the latter year he purchased a one-third interest in the general merchandise business of Megeath & Co., which had a store for a time on the south side of Farnam street a few doors east of 14th, and later on the north side of Farnam upon the site of the present Megeath building. Mr. Megeath subsequently sold out his general merchandise business and embarked, as the head of a company, in the commission and forwarding business, operating from the changing terminus of the Union Pacific railway until the latter road made its connection with the Central Pacific at Monument Point. This company did an enormous business. It handled 90 per cent of the freight of the Union Pacific to be forwarded. Mr. Megeath early acquired large real estate interests in Omaha, which have been the means of greatly augmenting his fortune. For a number of years on account of ill health he led a life of quiet retirement, but during recent years he has been in the active real estate business. In 1872 he joined with Andrew J. Hanscom in deeding to the city the property now known as Hanscom park, comprising 57½ acres of natural park land, the gift being conditioned solely upon its being retained for park purposes by the city and being improved to the extent of $25,000. Mr. Megeath and Peter E. Iler, many years ago, bought the McCoy distillery and with it formed what has since become the Willow Springs distillery property. After a few years, however, Mr. Megeath disposed of his interest to the Ilers. In 1860 he was a member of the city council. In 1866 he was speaker of the house of representatives, and during the same year he was a member of the state senate at the special session called for the election of two United States senators. He was also a member of the board of county commissioners in the same year, and in 1877 was reelected to membership in the city council. In all of these responsible positions he rendered intelligent and effective service. He has been a democrat all his life. Since 1848 he has been an active member of the Masonic order, and was among the very early members of Capitol Lodge No. 3, organized in Omaha in 1857. In 1854, in Fauquier county, Va., he was married to Miss Virginia Carter, daughter of George Carter and granddaughter of Ambrose Walden, who was a lieutenant in the Revolutionary war. Mrs. Megeath was born in 1833 in Fauquier county. The living issue of this union are: Mrs. Beatty Robinson, wife of Major E. B. Robinson, 9th United States infantry, born in Virginia in 1855; George Windsor, born in Virginia in 1856; Joseph P., born in Nebraska in 1857; and Samuel A., born in Baltimore in 1870. Mr. Megeath is now (1904) temporarily residing in Salt Lake City.

of Douglas county was elected speaker, receiving 25 votes against 9 cast for George B. Lake, also of Douglas county.[1]

George May of Cass county was elected chief clerk.[2] The members of each house were nearly evenly divided politically, but the republican organ at the capital scolded at conditions which should have resulted in a democratic majority of one in each house while the "Union Republican party" was in a majority of at least 1,000 in the territory.[3] The democratic organ said that the democrats had a majority of two in the house, and that they elected all the officers but one.[4]

The governor's message set forth the status of the Indian war as follows:

"It was hoped that with the close of the rebellion these troubles would cease; but this hope has proved groundless. Emboldened by success, the savage tribes who have committed these outrages upon the lives and property of emigrants, and upon the Overland Stage Line and Pacific Telegraph, have become exceedingly reckless and daring in their murderous forays; and outrages the most atrocious and wanton in their character are of frequent occurrence. Nothing will in my judgment give us *peace* upon the plains but the employment of the most vigorous measures to hunt out and severely punish the authors of these outrages. And I trust and believe, from the information in my possession, that it is the purpose of the general government, early in the coming spring, to send a force against them sufficient to compel them to sue for peace, or drive them from all the great lines of travel between the Missouri river and the Rocky mountains."[5]

It appears from the message that, exclusive of the militia bonds to the amount of $36,000, the indebtedness of the territory was now $53,967.80—less by $3,891.56 than that reported the year before. The governor congratulates the taxpayers on the fact that the resources to meet this indebtedness amount to $91,945.70, disregarding with naïve optimism the troublesome fact that a very large part of this handsome sum represents unavailable delinquent taxes. The governor reports that, under an arrangement made during the year with the trustees of the Iowa hospital for the insane, nine patients had been sent there from the territory; that, with the assistance of Benjamin E. B. Kennedy and George B. Lake, he had examined the work of Experience Estabrook in revising the laws by authority of the act of the last session of the legislature and that the revision faithfully complied with the requirements of the act. The message reported that fifty-five miles of the Union Pacific railway had been completed, that grading and bridging were finished as far as Columbus—ninety-five miles:

"Upon the north, congress has provided for a branch from Sioux City, and to the south of us the same just and liberal policy has endowed two other branches with liberal donations, thus insuring their construction at an early day. One of these branches is the extension of the Burlington and Missouri River Railroad, now permanently located to run west from Plattsmouth to the 100th meridian; the other is the extension of the Hannibal and St. Joseph railroad from St. Joseph, in a northwesterly direction uniting with the main line (in the language of the bill), at the 100th meridian *'in the territory of Nebraska.'* "[6]

The message urges the familiar arguments for state government. With the passion of the public men of that period for peroration, the governor closes his message with a highly

[1] Mr. Megeath, still as vigorous and clear-headed as he was when he won the speakership, is full of reminiscences of that contest and of the politics of the time. He says the speakership was won partially through providential absences and partially through manipulation. Ross of Gage county was delayed by a storm, and Rev. J. W. Taylor of Nemaha county went to Iowa to preach and failed to get back in time to vote for speaker. The gentleman from Burt received the information or impression, through design or otherwise, that the legislature was to open a week after the real time, and he appeared accordingly after the speaker was elected. Parchen of Richardson county thought it worth while to be a democrat pro tem.—during the election of the speaker—in return for the honor of the headship of the committee on county seats and county roads, and Arnold, in consideration of supporting Megeath, took a place at the opposite end of the same committee. Marcus Brush, a democrat, on the other hand, went into the republican caucus. Mr. Megeath says that it is doubtful which party had the majority in the house.

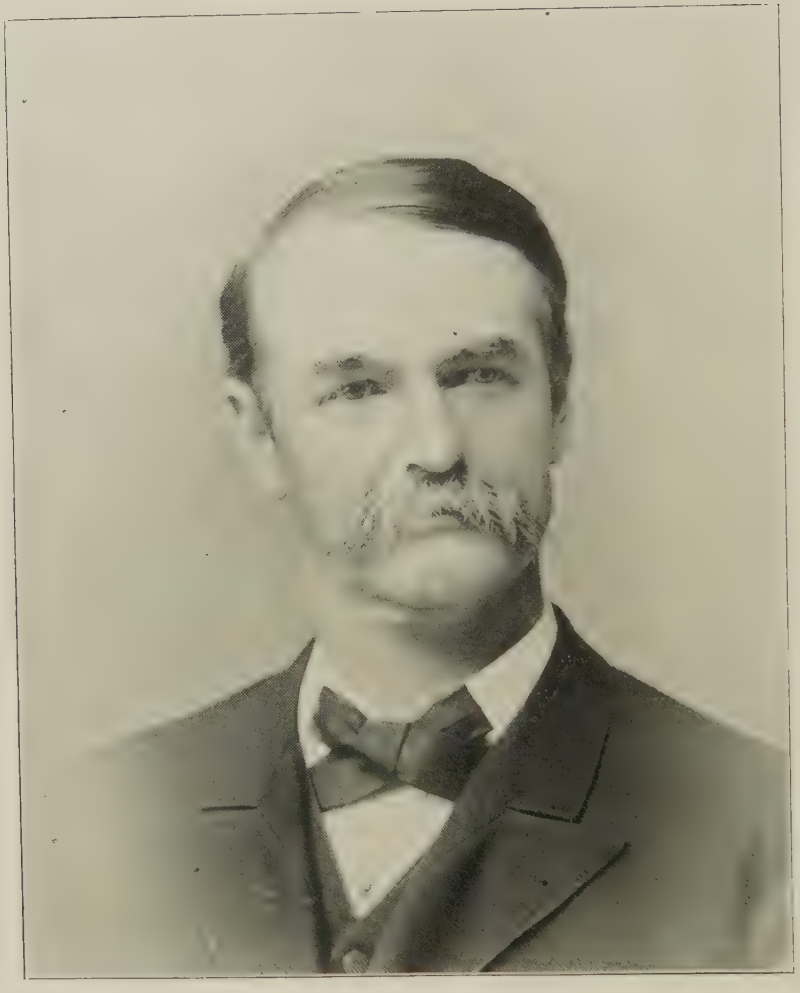
[2] House Journal, 11th Ter. Sess., p. 6.

[3] Omaha *Republican*, Jan. 19, 1866.

[4] Omaha *Herald*, Jan. 12, 1866.

[5] House Journal, 11th Ter. Sess., p. 18.

[6] Ibid., p. 23.



Charles H. Brown

colored congratulatory passage on the return of peace.

Near the beginning of the session General Estabrook made a report on the manner in which he had done the work of revision,[1] and afterward a joint committee, consisting of Kennedy, Allen, and Griffey, of the council, and Lake, Brown, Thorne, Crounse, and Cadman[2] of the house, was appointed to further consider the revision. The careful work of General Estabrook brought the statutes for the first time into practicable form. The legislature of 1866 made such amendments and additions to the revision of General Estabrook as were needed, and the result was embodied in the revised statutes of 1866. George Francis Train's Credit Foncier of America, an echo or counterpart of the famous Credit Mobilier, was incorporated at this session. John M. S. Williams, James H. Bowen, Augustus Kountze, George Francis Train, and George T. M. Davis, Train's father-in-law, were by the act appointed commissioners to organize the company, which was almost universal in its scope of business, but designed especially "to make advance of money and credit to railroad and other improvement companies." Under the provision for erecting cottages considerable building of that kind was done by the company at Omaha and Columbus.

Statehood was the most important question considered at this session. Though party lines were not strictly drawn, the republicans generally favored, and the democrats opposed the proposed change to state government. The opposition was led on the outside by the two most prominent democratic leaders, J. Sterling Morton, then editor of the *News,* and Dr. George L. Miller, who had recently started the Omaha *Herald,* and in the legislature by Benjamin E. B. Kennedy of the council and the aggressive Charles H. Brown[3] of the house. Mr. Brown formulated the

[1] House Journal, 11th Ter. Sess., p. 37.

[2] John Cadman was born in Erie county, Pa., Apr. 27, 1823, and died at Anaheim, Cal., June 19, 1893. His early life was one of toil and privation, and the education he acquired was in the bitter school of experience. At the age of twelve years he left home and was employed in farm work, and, although receiving scant wages, he managed to save a little every month. In 1849 he married Miss Frances Bennett in Erie county, and with the money he had saved moved to Hanover, Ill., and engaged in the general merchandise business with a man named Jeffries. Later the firm moved to Elizabeth, Ill., and conducted a boot and shoe store. He succeeded in business and branched out, forming business partnerships with other parties and conducting general merchandise establishments in addition to the boot and shoe business. The financial crash of 1857 found him and his partners with large stocks on hand and a large amount of outstanding notes and accounts. He contracted the "gold fever," and, selling out to his partners, he loaded his household goods and his family into a wagon and started west. Stopping at Muscatine, Ia., to visit his mother and sister, he formed the acquaintance of five men who were also anxious to go to California. He agreed to take them from Muscatine to California, where he intended to engage in dairying, driving their milch cows across the plains and mountains. Leaving his family there he went on to Nebraska, and bought a claim in Lancaster county. After building a log cabin on the claim he returned to Muscatine after his family and his goods. On the way back to Nebraska some one stole $500 from him—all the money he possessed,—and he also lost his best horse. Upon arriving at the Missouri river the party was met by the memorable rush back from the gold fields. Among the thousands were some friends from Jo Daviess county, Ill., and after hearing their stories of toil and privation the party hesitated to proceed. Calling the five men around him, Mr. Cadman declared he would carry out his contract if they insisted, but suggested that they go about fifty miles west of the river and settle. "For there," said Mr. Cadman, "I am confident will be the center of a great community some day." A vote was taken, and it was decided to settle in Nebraska. Mr. Cadman had located a claim on Salt creek, and in the fall of 1859 he settled with his family at a point where the station of Saltillo now is. All he owned then were a few household goods, three horses, and two wagons. Fortunately for the settlers the winter was unusually mild. In the spring the first sod was turned and the work of subduing the prairie began. All the privations incident to pioneer life were endured with an unfaltering faith in the future. The Indians caused the settlers great annoyance, and several stampedes resulted. The country settled up rapidly, and the future grew brighter. John Cadman was always toiling to better his condition, but never too busy to lend a helping hand to those who came to make their homes near him. In politics he was a staunch republican. He was a member of the house in the 11th territorial assembly; also a member of the 1st state senate and represented his district in the house of the second, fourth, and fourteenth sessions. He was elected justice of the peace, county judge, and county treasurer of Lancaster county. He was a member of the Masonic fraternity and a member of the Methodist church. His wife survived him two years. There were born to them eight children, all of whom survived their parents: William A., of Lincoln; Ira E., of Bloomington, Neb.; Mrs. Mildred Jennings of Anaheim, Cal.; John F. and Charles W., of Lincoln, Neb.; Archibald B., of Anaheim, Cal.; Mrs. Naomi Hoffman of Chicago; and George O., of Manila, P. I.

[3] Charles H. Brown, Omaha, Neb., was born at Stephentown, Rensselaer county, N. Y. His father, Randall Adam Brown, was born near Stephentown,

democratic opposition in resolutions which he introduced in the house, and into the belly of which, Douglas-like, he injected a stump speech:

"Whereas, certain official politicians have assiduously sought, through specious arguments, to create a sentiment in favor of, and induce the people to change their simple and economical form of government, which heretofore has been and now is a blessing, for one which will have many new, useless and burdensome offices, to be filled by persons ambitious to occupy places of profit and trust, even at the expense of the tax payers, and which will in its organization and operation necessarily be burdensome and ruinous to an extent which none can foresee, and consequently involving a taxation which will eat out the substance of the people; . . .

"And whereas, the people of this territory but a short time ago, with almost entire unanimity, expressed their unqualified disapproval and condemnation of any attempt to force on them the grinding taxation incident to, and schemes of politicians for, state government, and have not since then, by ballot or otherwise, expressed a wish for increased and increasing burdens and taxation;

"And whereas, personal interest and selfish considerations are strong inducements and powerful incentives for individual or combined action, and certain politicians have industriously sought again to force state government upon the people, and compel them again, at great expense and trouble, whether they wish or not, to consider that question, and through fraud and chicanery fasten this incubus upon them;

"And whereas, his excellency, Alvin Saunders, the chief executive federal officer of this territory, has with great consideration, after the rebuke given but a brief period ago by the people to political schemers for state organization, again, by plausible arguments, thrust in his annual message at this session, this repudiated question upon the legislative assembly for its action, and has sought in an

N. Y., Mar. 31, 1804. Among the pilgrims of the Mayflower were three brothers named Brown. From one of these is descended Joshua Brown. He was born in 1740, resided in Stonington, Conn., and died in 1824. His son, Adam Brown, was born at Stonington, Oct. 26, 1772. He was a farmer and a captain in the Revolutionary war, and died July 12, 1845. His son, Randall Adam Brown, father of Charles H. Brown, spent his early life on the farm, was educated in a private school at Stephentown, left the farm at the age of twenty years, and after a year of reading was admitted to the bar. He practiced his profession at Stephentown, conducting at the same time a general merchandise business and dealing in cattle, hogs, and grain. He was in early life a democrat, later a free soiler, and then a republican. He was postmaster of Stephentown for many years, and served three terms in the New York state legislature. He was also prominent in Oddfellowship. Randall Adam Brown married Margaret Sweet, in Mar., 1827. She was born in Stephentown in 1810, and was a daughter of Jonathan Sweet, and descended from General Nathaniel Green of Revolutionary fame. To Randall Adam and Margaret (Sweet) Brown there were born seven children, three of whom became prominent in the history of Nebraska, namely: Randall Adam Brown, James J. Brown, and Charles H. Brown. Randall Adam Brown, Sr., died Mar. 4, 1884, his wife having died in 1857. Charles H. Brown received his early education in the common schools of his native town and prepared for college at Williston seminary, Massachusetts, and at the Delaware literary institute, Franklin, N. Y. He entered Williams college, from which he was graduated in 1858, when this institution was under the presidency of the renowned Mark Hopkins. He then studied law with Seymour & Van Santvoord of Troy, N. Y., and was admitted to the New York bar in 1860. On June 18 of the same year he arrived in Omaha, Nebraska territory, and later, on account of failing health, crossed the plains with a freighting outfit, driving an ox-team as far as Denver. He assisted in the construction of the Pacific telegraph lines across Nebraska, and in Dec., 1861, returned to Omaha and engaged in clerking for his brothers until Oct., 1862. He was then elected prosecuting attorney for Douglas county to fill the vacancy caused by the resignation of George I. Gilbert, and was reelected in 1863. During his first term of office he prosecuted, with the assistance of Judge George B. Lake, Cyrus Tator, for the crime of murder. Tator was convicted, and his was the first legal execution in Nebraska territory. In 1864 Mr. Brown was a member of the constitutional convention of that year, and was also a member of the lower house of the 10th and 11th territorial assemblies, representing Douglas county. In 1865 he served as member of the Omaha city council and was elected mayor in 1867. At that time the mayor was, ex-officio, judge of the municipal court, and during his term of one year Mayor Brown tried over 4,000 cases, and of this number but one case was appealed from his court, and that was dismissed before reaching a decision in the district court. When he became mayor of Omaha he found the city in debt $60,000. With the close of his term in office this debt had been paid, and there was a cash balance of $8,000 in the treasury. In 1869 Mr. Brown received the democratic vote in the legislature for United States senator. In 1875 he was again a member of the constitutional convention, which adopted the present constitution. In 1876 he was elected to the state senate and reelected in 1878 and again in 1882. This concluded the political public service of Mr. Brown, and he retired to engage in the practice of his profession, which he followed for a time, but soon retired to enjoy quiet and comfort during his last days. Mr. Brown was married June 10, 1886, to Mrs. E. Dora Brown. Mrs. Brown died Aug. 25, 1901, leaving one daughter by her former husband, now the wife of Ward M. Burgess of the M. E. Smith dry goods company, Omaha. Mr. Brown died at his home in Omaha, Apr. 26, 1897.

unusual manner, to force a constitution no matter 'by whatever body or by whomsoever made,' upon the people of this territory, without giving them even the small privilege, to say nothing of their absolute and most unqualified right to select whomsoever they might see fit to comprise that body, through whose actions they might entrust so grave and vital a question as making a constitution;

"*Therefore, be it resolved,* as the sense of this House, that it is unwise to take any steps which will throw this question upon the people without their first having asked for its submission to them."[1]

The resolutions were indefinitely postponed by a vote of 20 to 14.[2] A joint resolution submitting a constitution to the people passed the council by a vote of 7 to 6, Mason, the president, giving the casting vote.[3] The vote did not follow party lines, though only two democrats, Griffey of Dakota and Porter of Douglas, voted aye. The resolution passed the house, 22 to 16, the four democrats from Douglas county and four of the five members from Otoe county voting nay. It is curious that a motion in the house to strike out of the proposed constitution the restriction of the suffrage to whites received only two affirmative votes, while 36 were cast against it.[4]

The constitution was not prepared by a committee of the legislature or other legally authorized persons, but was the voluntary work of the politicians who were bent on statehood. Chief Justice William Kellogg was styled "our amiable constitution maker;"[5] and Isaac S. Hascall, in a speech in the senate, February 20, 1867, said that the constitution was framed by nine members of the legislature, five of them democrats, and Judge William A. Little, Judge William Kellogg, Hadley D. Johnson, Gov. Alvin Saunders, Gen. Experience Estabrook, and others of Omaha.[6] The *Herald*[7] says that "the constitution was founded by three or four men who locked themselves up in their rooms to do their work." The *Press*[8] of Nebraska City called it Kellogg and Mason's constitution and stoutly protested against the white restriction. While this state document of gravest importance was clandestinely and arbitrarily framed it was carried through the legislature in an indefensibly bold and arbitrary manner. The constitution did not even enter the legislature through the natural channels of the judiciary, or any other committee, but was injected by Porter of Douglas, that task being assigned to him, doubtless, because he was the only democrat of his delegation or of prominence who favored its submission at all. It was then referred to a special committee consisting of Bennett, Porter, and Chapman, who recommended it for passage, the same day, when it was at once passed, the council refusing, by a vote of 6 to 7, to hear it read the third time.[9] The house even refused to let the important document go to a committee at all, the motion of Robertson to refer it to the committee on federal relations being defeated by 14 to 24,[10] and two attempts to amend, made in the regular session, were frustrated by Lake's insistent motions to table. This fundamental law of a commonwealth was not even considered in committee of the whole in either house. It was cut by outside hands, and without time for drying was railroaded on its legislative passage. Even the republican Nebraska City *Press* was moved to say that "a few broken down political hacks about Omaha seem determined upon their mad scheme of forcing a constitution before the people through the legislature." The records of the procedure in the legislature fall little if at all short of bearing out the strictures of the strenuously partisan *Herald:*

"The constitution . . . was rushed through the legislature in such haste that not one man in six had a moment allowed to examine the instrument. . . Democrats who

[1] House Journal, 11th Ter. Sess., p. 91.

[2] Ibid., p. 92.

[3] Council Journal, 11th Ter. Sess., p. 138.

[4] House Journal, 11th Ter. Sess., p. 159. Mr. Megeath, speaker of the house, says now (1903) that the republicans of the territory were in fact opposed to negro suffrage at that time, though they accepted its attempted imposition by Congress as a condition of admission to statehood.

[5] Omaha *Herald*, Mar. 2, 1866.

[6] Omaha *Republican*, Mar. 1, 1867.

[7] Jan. 18, 1867.

[8] Mar. 2, 1866.

[9] Council Journal, 11th Ter. Sess., pp. 129 and 138.

[10] House Journal, 11th Ter. Sess., p. 158.

WILLIAM REMINGTON

MRS. WILLIAM REMINGTON

favored the measure and democrats and republicans who opposed were denied the privilege of either amending or examining the constitution. Not one man in twenty in the legislature has ever read the constitution. This constitution was never printed. It was not even referred to a committee of either House.[1] Even discussion of the stray paragraphs which members caught the sense of from the hurried reading of the clerk was denied to members under the resistless pressure brought to bear by the majority to rush it through."[2]

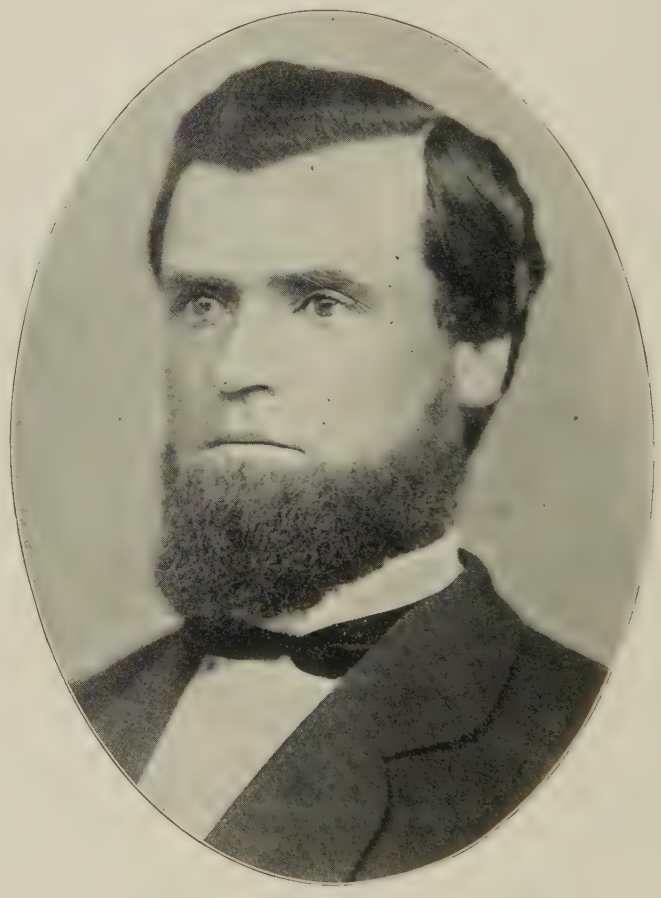
Mr. James M. Woolworth said in an address before the territorial educational association that the minimum price of five dollars an acre at which public school lands might be sold under the constitution was not an adequate protection, as he knew of several quarter-sections worth from fifty dollars to three hundred dollars per acre; and he complained that under the provision lands might be sold, not to the highest but to the lowest bidder.[3] In the same address Mr. Woolworth called attention to the fact that the proposed constitution made no proper provision for a system of public instruction or for safeguards to the public school lands and funds. He urged that it should be amended in these particulars. In a letter to the *Herald,* Mr. Woolworth stated that he had said in the address in question that on the question of suffrage he would vote with Dr. Monell and General Bowen, and that he was in favor of sending a proposition to amend the constitution on the suffrage question to the people, if the state should be admitted; and also that he was in favor of providing means of education for blacks as well as whites, but particularly wanted the constitution amended in respect to its educational provisions. "If it is not attended to now," he said, "the school lands will in a very few years be swept away. Some men will get rich and the schools will be forever poor."[4]

By the beginning of 1866 the vigorous patriotism or perversity of Andrew Johnson was fast stirring national politics into a condition which resembled potpourri, and the grotesque political antics of the federal office-holders in particular revealed their agony of suspense. Though uncertain toward which course prudence pointed, yet most of them yielded to present pressure, and unconditionally "Johnsonized." On the whole their attitude chiefly illustrated the overpowering influence of temporary advantage in determining men's allegiance and the choice, or even the creation, of their principles. Edward B. Taylor, editor of the Omaha *Republican,* and also superintendent of Indian affairs, rising—or sinking—to a sense of his duty to do something for the administration, commensurate with the honors and emoluments of this sonorously entitled office,[5] denounced the Morrill bill, or force law, as an attempt to force negro suffrage on the territory, as a distinct outrage on our rights as American citizens, and as being against the sentiment of nineteen-twentieths of the people. The Sumner amendment to the Colorado enabling act requiring, as a condition precedent to admission, acceptance by the legislature of negro suffrage was denounced as "an outrage upon the independence and rights of the people of Colorado."[6] This was the same condition which was afterward imposed upon and accepted by the Nebraska legislature, on the approval of the *Republican*—the constitution placed before the people in 1866 not having provided for negro suffrage. Even the *Advertiser,* which, since Furnas quit it, had been phenomenally radical and regular, was now standing out against negro suffrage and for Johnson's policy.

But while the republicans, distracted in the doubt on which side the spoils lay, were divided as to the question of Johnson's policy, the democrats were so seriously divided on the question of statehood as to be unable to take advantage of the weakness of the majority party. The circulation of petitions for signature, asking the legislature to frame a constitution and submit it to the people, had

[1] This is technically incorrect, see *supra.*
[2] Omaha *Herald,* Feb. 16, 1866.
[3] Ibid., Jan. 11, 1867.
[4] Omaha *Herald,* Jan. 18, 1867.
[5] Omaha *Republican,* Jan. 19, 1866.
[6] Ibid., Feb. 9, 1866.

drawn from Morton denunciation of the proposed statehood as "a scheme of office-aspiring politicians."[1] Dr. Miller's attitude at this time was not so much that of opposition to statehood as it was to acquiring it through republican means and on republican conditions. He insisted[2] that the people did not wish the legislature to form a constitution, but that they wanted a chance for a direct vote for or against state government. He argued against the statehood proposition on account of the manner in which it had been thrust upon the people, but wanted the policy of the party settled by a state convention; and he charged that Chief Justice Kellogg and Governor Saunders were the managers of the statehood scheme.[3] The *Republican*, eager in its own misery to discover as much company of a like sort as possible, declared that at first a caucus of democratic members of the legislature did not oppose the state movement, but Morton cracked his whip and changed it all, and Dr. Miller had to fall in.[4]



JOHN GILLESPIE[6]
Last Territorial Auditor and First State Auditor of Nebraska, Oct. 10, 1865, to Jan. 10, 1873

From the circumscribed local point of view the aggressive and bitter opposition to negro suffrage by the democratic leaders—by this time most of the leading-strings could be traced into the hands of Morton and Miller, to be held there for some thirty years to come—was inexplicable, since it had been the argument of Douglas, subscribed by his followers, that nature had fortified Nebraska against any considerable influx of negroes; and while this policy was hurtful to the party, as offending a growing popular anti-slavery sentiment, it was wholly unnecessary "to legislate against the law of God," as Daniel Webster had unanswerably stated the case. But, on the other hand, the prevailing public sentiment at the North just at that time, following Lincoln's expression of caution and deprecation, was against negro suffrage. We find the *Herald*,[5] quoting a letter written by ex-Gov. William A Richardson, taking strong ground against negro suffrage, and showing that Colorado, Connecticut, Min-

[1] Nebraska City *News*, Dec. 25, 1865.
[2] Omaha *Herald*, Feb. 9, 1866.
[3] Ibid., Feb. 23, 1866.
[4] Omaha *Republican*, Apr. 13, 1866.
[5] Feb. 9, 1866.
[6] John Gillespie was born in Springfield, Jefferson county, O., July 23, 1832, and died in Lincoln, Neb., Dec. 19, 1897. He was the son of William and Mary (Engle) Gillespie, of Scotch-Irish descent, who were natives of Washington county, Pa., which was near the home of James G. Blaine. While still an infant his parents removed to Carroll county, O., where his boyhood and youth were spent and where he received his early education. He was studiously inclined and when a young man engaged in teaching; later he learned the trade of a carpenter, which he followed until 1857, when he emigrated to Nebraska. He first went to Omaha, but soon after settled in Peru, Nemaha county. He engaged in general mer-

nesota, and Wisconsin had voted against it at the last elections, while "at least thirty other states are in rebellion according to this test, and five or six are 'loyal.'" Yet, while the mainspring of the action of the republican leaders in pressing to adoption the fifteenth amendment to the constitution, some time after, may have been the selfish motive of gaining political control of the southern states, yet its success was based upon a strong and genuine sentiment in its favor in the North, and particularly in the Northwest. So that, while it may be conceded that the democratic leaders of Nebraska, in pressing anti-suffrage as an issue, were in line with general democratic judgment and with national democratic policy, as keeping in touch with the inevitably dominant race of the South, yet it is plain that they pressed it with gratuitous ardor and unwise bitterness as affecting local politics. But whatever the reader may think as to the wisdom or unwisdom of Dr. Miller's anti-suffrage fulminations he feels that they are couched in rhetoric of extraordinary freshness and force. Thus, an observation by the Nebraska City *News* that the Morrill bill "provided that niggers shall vote in all the territories," and that by Sumner's amendment to the act for the admission of Colorado it will be imposed also upon the states, touches off this broadside from the *Herald:*

"Thus negro suffrage is inevitable. . . It will be more manly to accept negro suffrage from congress by legal enforcement than to humiliate ourselves by its voluntary adoption as the price of admission to the union. That territory upon which congress imposes nigger voting because it has—under radical ruling—the power to do so, will become strongly democratic, but that community that voluntarily adopts it as the price of statehood will be very wofully radical ever after. We prefer living in a democratic territory where niggers vote to a residence in a radical state where they also vote. We could perhaps put up with niggers voting if at the same time their less white friends, the radicals were defeated in the territory. But it would be almost unendurable to live in the state of Nebraska and have niggers and radicals vote themselves victory. . . . Gentlemen can take their choice. . . . We take nigger only when forced to it by congress and therefore are for remaining as at present a territory."

WILLIAM KELLOGG

The Nebraska City *Press,* which, though the least among the leading republican organs of the territory, merited the distinction of having been the only clear-sighted or disin-

chandising at Peru until the outbreak of the Civil war. At the first call for troops he enlisted in Co. C, 1st Neb. Inf., at Omaha. The regiment was shortly afterwards sent to St. Louis and assigned to the command of Gen. John C. Frémont. Later, when the 1st Neb. was transferred to the command of General Grant, Mr. Gillespie was present at the capture of Forts Henry and Donelson, also at Shiloh. He was present at the siege of Corinth, and under Gen. Lew Wallace crossed the state of Tennessee, and was later transferred to the department of General Curtis, under whom the regiment moved to Cape Girardeau, Mo. Mr. Gillespie, on account of bravery and fidelity to duty, was appointed to the position of regimental commissary, and was commissioned first lieutenant, having charge of the infantry and cavalry stores. At the expiration of his term of enlistment he returned to Omaha on a veteran's furlough of forty days. In the meantime there occurred an Indian outbreak on the Republican river and upper Platte. Lieutenant Gillespie offered his services, and was given the post of quartermaster and commissary at Plum Creek, Neb., where he was busily employed in piloting stages and fighting Indians for a year and a half. On Aug. 10, 1865, Lieutenant Gillespie was mustered out of service at Ft. Kearney and returned to Brownville, and shortly after was elected territorial auditor, serving until the admission of the territory as a state, and under the state government until Jan. 13, 1873, alto-

terested one among them, in that it had not Johnsonized, added to the discord by attacking the *Republican* for its strictures on Sumner's amendment, and clinched its denunciation with the prevalent *argumentum ad hominem*, to the effect that the editor of the *Republican* was an unregenerate Breckinridge democrat of 1860. At the close of the legislature, the democratic organ[1] congratulated the territory on the failure of "the radicals to make the election laws even more offensive than they were then," and gave two of the republican members of the house the following parting attention:

"The bloody orator of Otoe [Mason] goes back to his radical brethren howling his own discomfiture, and utterly disgusted with the vain exhibition he has made in the legislature of mingled malice and vanity, while Crounse of Richardson, after his performance in the investigating committee and getting behind his privilege as a member of the House to assail Mr. Morton, has demonstrated the breadth of his estimate of what constitutes a gentleman."[2]

gether six years. He was appointed, by virtue of his office, one of three commissioners to locate the site of the state capital when it was voted to remove it from Omaha, and under his supervision the first capitol building at Lincoln, the state university, the agricultural college, and the insane asylum were erected. In 1869 he removed to Lincoln, where he continued to reside until his death. After retiring from office in 1873 Mr. Gillespie was instrumental in organizing the Nebraska Stock Yards Co. at Lincoln in 1884, of which he was secretary for several years. In politics he was always a republican and was active in public affairs. His wide experience and mature judgment made him an important factor in developing the best interests of Lincoln and of Lancaster county. Mr. Gillespie was first married Nov., 1854, to Julia Byers of Noble county, O. Mrs. Julia Gillespie died in Iowa in 1857, having borne her husband two children, Lona M., wife of E. C. Brownell, St. Louis, and William C., the latter dying in infancy. He was again married in the fall of 1860 to Mrs. Sarah D. Proctor, who was born Apr. 4, 1834, and was a daughter of Wright Rugg, Leominster, Mass. Five children were born of the second marriage: Emma B., wife of Arthur M. Susong; Harry T., Lincoln; Edward E., Boise, Idaho; Lillian M., Lincoln; and Grace L., deceased. Mrs. Sarah D. Gillespie died May 6, 1896.

[1] Omaha *Herald*, Feb. 16, 1866.

[2] The character of the investigation referred to is disclosed in the report of the minority of the committee made by Mr. Crounse and adopted by the house, in part as follows:

"Mr. Speaker:

"The undersigned, a minority of the committee appointed by the chair to investigate charges of bribery and corruption made in relation to the passage of the joint resolution submitting a state constitution to the people of Nebraska, in submitting their report, would premise that, in their opinion, this investigation was instituted by that branch of this House opposed to state organization urged on by outside politicians, with a view to damage personal reputation and by such unfair means defeat the success of state organization if possible. As proof of this we might refer to the following facts which appear in the testimony: One J. Sterling Morton, editor of the 'Nebraska City *News*,' a would-be leader of the democracy of the territory, and active anti-state man, before, during and since the submission and passage of the joint resolution, has spent most of his time on the floor of this House caucusing with members, drafting buncombe political resolutions for members to introduce in the House, by which its time was occupied to the exclusion of more legitimate and profitable business. The appointment of this committee would seem to have been directed with a view to this end; the very chairman, the Hon. Mr. Thorne, appears, by the evidence, to have been an instrument used by said J. Sterling Morton to introduce a resolution 'blocked out' by him, and directed against state. The Hon. Mr. Brown, as appears by the House journal, was the introducer, if not framer, of another preamble and resolution against state, of a most insulting character, and which was most summarily disposed of by this House. . .

"The Hon. Mr. Robertson, of Sarpy county, it appears, was one of the instigators of this investigation. Too ambitious to put some capital in this enterprise, he came before the committee, and by his first testimony seemed willing to attach the motive of bribery and corruption to a transaction which appears, by the concurrent testimony of several other witnesses, to be a simple business matter. By further examination, when placed by his own testimony in the peculiar position of allowing himself to be approached two or more distinct times, with what he was pleased to term an improper offer without showing any resentment, he chose, on discovery, to state it in its true light, and by his own testimony, corroborated by that of all the other witnesses called to the same subject, it is shown that what occurred between himself and the Hon. Messrs. Mason and Bennett, of Otoe county, was purely a business transaction, and that it was not calculated to influence him in his vote, nor so understood by any of the parties.

"The last testimony taken was that of Mr. Bennett, of the Council, who states that Mr. Morton, aforesaid, during the pendency of the question of submitting the constitution to the people, approached him with a proposition signed by fifteen anti-state men, including Messrs. Tuxbury, Gilmore, Paddock, and others of the House, proposing that if state men would separate the question of state from that of election of state officers, the fifteen would go for the suspension of the rules and pledge themselves that the bill should not be defeated. At the same time Mr. Morton promised to secure a like pledge from the anti-state members of the Council. Whether Mr. Morton had at the time a fee-simple in and full control over the anti-state members of both branches of the legislature, we leave for the members of this body to conclude. But it is but justice to Mr. Bennett to say that he did not entertain these propositions, but has at all times advo-

The *Herald*[1] undertook to place various politicians as follows: "Estabrook (now a republican) is for nigger and against Johnson, and so is Alvin Saunders. Our amiable constitution-maker, Mr. William Kellogg[2] (chief justice) is for Johnson, and so will be Paddock, Dundy, Hitchcock, Taylor, 'for the present,' as Gen. Heath was against negro suffrage when he spoke his first piece in Omaha in front of the postoffice." The same aggressive organ at this time rejoices over Johnson's defeat of the freedman's bureau bill; and gives account of a meeting at the court house in Omaha to indorse the veto, which was addressed by Hadley D. Johnson, Charles H. Brown, Isaac S. Hascall, George W. Doane, and William A. Little. The instrument provided that it should be submitted to the people for their approval or rejection, June 2, 1866, and that state officers, judges of the supreme court, a member of the federal House of Representatives, and members of a legislature, to be convened on the fourth day of July following, should be elected on the same day. The constitution was by its own acknowledgment submitted in accordance with the enabling act of 1864. At the convention of the "Union" party, held at Plattsmouth, April 12, 1866,[3] David Butler was nominated for governor of the prospect-

cated state organization on principle and not a subject to be trafficked away. . .

"But the minority, in their haste to submit this report in the very short time allowed by order of this House, cannot undertake to review the testimony further. But enough is shown, we think, to convince this body that great effort has been made to defeat the wish of the majority in the submission of the constitution to the people; and while we can discern much connected with the passage of the bill that is not strictly proper, yet we have failed to discover anything of the character of the direct bribe or so intended.

"Mr. Robertson we consider a gentleman beyond the suspicion of accepting a bribe, or being improperly influenced in his action as a legislator. The other gentlemen designed to be affected by this inquiry are possessed of too much good sense and discretion to undertake to bribe Mr. Robertson." . . . —(House Journal, 11th Ter. Sess., pp. 203–5.)

[1] March 2, 1866.

[2] William Kellogg, fourth chief justice of Nebraska territory, was born at Kelloggsville, Ashtabula county, O., July 8, 1814. He was a son of Amos and Paulina (Dean) Kellogg, the former a distinguished lawyer and jurist, and the latter descended from a very prominent Revolutionary family. William Kellogg received a common school education, studied law, and was admitted to the bar at Canton, Ill., where he had settled in 1837, and where he acquired an extensive reputation as a brilliant advocate and general practitioner, especially in cases of disputed land titles. He was a member of the Illinois legislature in 1849–50, and from 1853–56 inclusive was judge of the circuit court of that state. He was elected a representative from Illinois to the 35th Congress and served by subsequent reelections until 1863. He was a close friend and associate of President Lincoln, who appointed him United States minister to Guatemala in 1864, but he declined. In Apr., 1865, he was appointed by President Johnson chief justice of Nebraska territory and served until 1867. He was also collector of internal revenue at Peoria, Ill., the largest collection district in the United States. Judge Kellogg was married at Canton, Ill., to Lucinda C., daughter of Ossian M. and Mary (Winans) Ross of that place. He died at Peoria, Ill., Dec. 20, 1872, leaving five children: Judge William Kellogg, Jr., John, Pauline, Emily, and Lou Kellogg. The former was appointed clerk of the supreme court of Nebraska in 1865.

[3] UNION TERRITORIAL CONVENTION, 1866

(As reported by the Omaha *Republican*, Apr. 20, 1866.)

The union territorial convention, held at Plattsmouth, Apr. 12, 1866, was called to order by Oliver P. Mason, chairman of the central committee. The officers of the temporary organization were, Clinton Briggs, chairman; Henry M. Atkinson, secretary. The committee on credentials were, Thomas P. Kennard, Sterling P. Majors, Rienzi Streeter, John W. Marshall, Charles H. Whaley. The committee on permanent organization were, Jesse H. Lacey, John Cadman, Oliver T. B. Williams, William D. Scott, Henry M. Atkinson. The committee on resolutions were, Samuel M. Rich, Charles H. Whaley, Anson Rising, John Cadman, Turner M. Marquett, Samuel Martin, Thomas P. Kennard, Rienzi Streeter, William H. Miller, Edward B. Taylor, John H. Kellom, Dr. Alexander S. Stewart. The committee on rules were, Henry M. Atkinson, Benjamin Stickles. The officers of the permanent organization were Leander Gerrard, president; Samuel M. Kirkpatrick, James W. Hollingshead, vice-presidents, Thomas P. Majors, Joseph H. Presson, secretaries.

On the informal ballot for candidate for member of the house of representatives, Turner M. Marquett received 26 votes; John I. Redick, 21 votes; John W. Chapman 5 votes. On the first formal ballot Mr. Marquett received 32 votes, and was declared the nominee of the convention. Mr. Redick received 15 votes and Mr. Chapman 6 votes.

Mr. Majors named David Butler as a candidate for governor, and Mr. Stickles named Algernon S. Paddock as a candidate for the same office. Mr. Edward B. Taylor read a dispatch from Mr. Paddock announcing that he declined to be a candidate for governor. Mr. Briggs nominated John M. Thayer, and Mr. Clark nominated Alvin Saunders, but both of these gentlemen declined also. David Butler was then nominated on the first ballot, receiving 27 votes against 26 cast for A. S. Paddock.

Mr. Stewart nominated Thomas P. Kennard for secretary of state and Mr. Whaley nominated Oliver T. B. Williams for the same office. Mr. Kennard was chosen on the first ballot, receiving 36 votes against 16 for Williams. Augustus Kountze was nominated for state treasurer and John Gillespie for state auditor—both by acclamation. Oliver P.

ive state; Thomas P. Kennard for secretary of state; John Gillespie for auditor; Augustus Kountze for treasurer; Oliver P. Mason for chief justice; and Lorenzo Crounse and George B. Lake for associate justices of the supreme court. Turner M. Marquett was nominated for member of Congress, receiving 32 votes against 15 for John I. Redick. In the contest for the nomination for governor, Butler received 27 votes and Algernon S. Paddock 26. The platform was chiefly confined to a statement of the advantages of state government as follows: First, it would promote the settlement of the territory; second, it would bring the school lands under control of the people; third, it would enable Nebraska to select lands for the various public institutions before they should be absorbed by foreign speculators and by the location of agricultural college scrip issued to other states. It was contended, also, that the question was not a party issue. The growing difficulty with Andrew Johnson had now reached the non-committal stage, and on that subject the resolutions were silent. To the politicians the question whether or not the president would continue to control the official patronage was paramount, and they waited the issue.

---

Mason was nominated for chief justice of the supreme court and Lorenzo Crounse for associate justice, without opposition. George B. Lake was nominated for second associate justice, receiving 42 votes against 7 cast for William H. James of Dakota county and 4 for William F. Lockwood, who was at that time associate justice under the territorial government.

The delegates to the convention were as follows: Richardson county, Charles F. Walther, William D. Scott, Jacob M. Siglin, Anson Rising, Oliver J. Tinker; Pawnee county, Dr. Alexander S. Stewart; Pawnee, Johnson, and Gage counties, James W. Hollingshead; Gage and Jones counties, William Blakely; Nemaha county, John L. Carson, Henry M. Atkinson, Sterling P. Majors, Samuel M. Rich, George Vanderventer; Otoe county, Rienzi Streeter, Royal Buck, Samuel P. Sibley (alternate for William E. Hill), William H. Miller, Joseph E. Lamaster (alternate for Talbot Ashton and George P. West), Joseph E. Lamaster; Cass county, Turner M. Marquett, William F. Chapin, Samuel M. Kirkpatrick, George May, John W. Marshall; Cass, Lancaster, Saline, and Seward counties, John F. Buck; Johnson county, Joseph H. Presson; Lancaster county, John Cadman; Saline, Butler, Lincoln, and Kearney counties, C. L. Davidson, John W. Hugus; Sarpy county, H. Miller, Samuel Martin; Sarpy and Dodge counties, Henry T. Clarke, (alternate for Charles T. Holloway); Douglas county, John Taffe, Clinton Briggs, John H. Kellom, Jesse H. Lacey, Edward B. Taylor, Smith S. Caldwell; Dodge county, John Taffe (proxy for Eliphus H. Rogers); Platte county, Leander Gerrard; Platte, Hall, Buffalo, and Merrick counties, Charles H. Whaley; Platte, Monroe, Buffalo, Merrick, Kearney, and Lincoln counties, Oliver T. B. Williams; Washington county, John A. Unthank, Thomas P. Kennard; Washington, Burt, and Cuming counties, Hans J. Rohwer; Burt and Cuming counties, John D. Neligh; Dakota county, Walter C. Heyden; Dakota, Dixon, Cedar, and L'eau-qui-court, Walter C. Heyden, (four votes); Dixon, Cedar, and L'eau-qui-court counties, Walter C. Heyden; 1st Regt. Neb. Vol. Cav., Thomas P. Majors.

The convention adopted the following platform:

"*Resolved,* That we, the delegates to this convention, representing the Union party of Nebraska, are in favor of immediate state organization for the reasons:

"*First,* That in our judgment, it will tend to promote the speedy settlement of the territory, and to develop its material growth and prosperity.

"*Second,* That it will place under the control of the people our school lands, and thereby largely contribute to reduce taxation for the support of our common school system.

"*Third,* That it will enable Nebraska to select the public lands which the general government has proposed to grant to her for a state university, agricultural college, state buildings, and for the development of our mineral resources, before all the valuable lands within our limits shall have been absorbed by foreign speculators, and by the location of agricultural college scrip issued to other states.

"*Fourth,* That the increased revenue which may be derived from the taxation of the property of foreign corporations, from which no revenues have heretofore been received, would more than compensate for the increased expenses incident to state government.

"*Resolved,* That while we are in favor of this measure for the reasons above assigned, and for many others which we might mention, we do not regard the question of state organization as in any sense a party issue, but on the contrary, as a question to be decided by each individual citizen in accordance with his best judgment. Submitted as it was by the joint action of republicans and democrats, we regard it as purely a question of local policy, which every voter must decide for himself, without regard to his political antecedents or attachments.

"*Resolved,* That the party which has triumphantly sustained and vindicated the government of the United States, and carried it safely through four years of sanguinary war, waged by the enemies of civil and religious liberty, owes it to itself, to its cherished principles and to humanity to secure liberty and equality before the law to all men.

"*Resolved,* That we hereby pledge ourselves to render a hearty and earnest support to the nominees of this convention."

The following executive committee was chosen: Orsamus H. Irish, Otoe county; William D. Scott, Richardson county; John L. Carson, Nemaha county; John W. Marshall, Cass county; John E. Kelly, Platte, etc.; John I. Redick, Saint A. D. Balcombe, Douglas county; Henry T. Clarke, Sarpy and Dodge counties; John Cadman, Cass, Lancaster, etc.

# CHAPTER XV

POLITICS IN 1866—JOHNSON AND ANTI-JOHNSON FACTIONS—STRUGGLE OVER STATEHOOD—ELECTION OF FIRST STATE OFFICERS—ROCK BLUFFS CONTEST—TWELFTH AND LAST TERRITORIAL LEGISLATURE—THE NEGRO SUFFRAGE CONDITION IN CONGRESS, AND IN THE FIRST STATE LEGISLATURE

THE Democratic convention[1] was held at Nebraska City, April 19. T. W. Bedford was its presiding officer, and J. Sterling Morton was nominated for governor; Charles W. Sturges of Sarpy county, for secretary of state; Guy C. Barnum of Platte county, for auditor; St. John Goodrich of Douglas county, for treasurer; William A. Little of Douglas county, for chief justice; Edward W. Thomas of Nemaha county and Benjamin E. B. Kennedy of Douglas county, for associate justices of the supreme court; and Dr. John R. Brooke of Richardson county, for representative in Congress.

The convention adopted the following platform:

"Whereas, We regard the support of the state governments in all their rights as the most competent administration of our domestic concerns and the surest bulwarks against anti-democratical tendencies; the preservation of the general government in its whole constitutional vigor, as the sheet anchor of our peace at home and safety abroad. Therefore,

"Resolved, That a jealous care of the right of election by the people; the supremacy of the civil over the military authority; economy in the public expense that labor may be lightly burdened; the honest payment of our just debts; the sacred preservation of the public faith; freedom of religion, freedom of the press, and freedom of the person under protection of the habeas corpus; and trials by juries impartially selected are the fundamental doctrines and tenets of the democracy.

"Resolved, That the official action of Andrew Johnson, president of the United States, in his legitimate endeavors to restore, under the constitution, the several states to their legal status in the American union, elicits and receives the full, free and honest commendation of the democracy of Nebraska, and that we promise him in all his efforts to sustain the constitution and laws our faithful and active support.

"Resolved, That we regard the platform adopted by the radical official convention held at Plattsmouth on the 12th inst., as a direct and explicit condemnation of the wise and just policies of President Johnson; a clear declaration in favor of the destructive policies of the Stevens, Sumner and Fred Douglas directory; and that we hereby do invite the people of Nebraska to unite with the democracy and aid in verifying the historic saying of Andrew Johnson: that 'This is and shall be a government of white men and for white men.'"[2]

[1] The following are the names of the delegates to the Democratic territorial convention which was held at Nebraska City, Apr. 19, 1866: Richardson county, George Faulkner, John Jay Hart, George Abbott, Peter F. Smith; Nemaha county, Henry C. Lett, Thomas W. Bedford; Otoe county, Albert Tuxbury, Solon M. Anderson, B. T. F. Cake, William W. Wardell, Elmer S. Reed, Simeon H. Calhoun, J. Sterling Morton; Johnson county, Israel Loomis; Cass, Lancaster, Saline, and Seward counties, Charles H. King; Saline, Butler, Lincoln, and Kearney counties, John C. Lidell; Dodge county, William G. Bowman; Cass county, John Black, Joseph I. Early, James M. Patterson, Jacob Vallery, Sr., Ambrose Patterson; Sarpy county, John Q. Goss, Charles W. Sturges; Douglas county, Harrison Johnson, John Nelson H. Patrick, Hadley D. Johnson, George L. Miller, Isaac S. Hascall, Thomas L. Sutton; Platte, Monroe, Merrick, Hall, Buffalo, Kearney, and Lincoln counties, James E. Boyd, three votes; Washington county, two votes, Elias H. Clark; Washington, Burt, and Cuming counties, Rice Arnold; Burt and Cuming counties, H. A. Samson; Dakota, Dixon, Cedar, and L'eau-qui-court counties, Thomas L. Griffey.

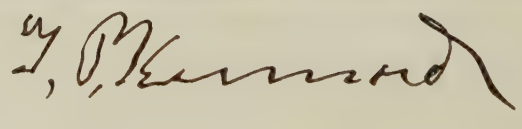
On the first ballot for a candidate for delegate to Congress J. Sterling Morton received 24 votes and Enos Lowe, 22 votes. Mr. Morton then declined the nomination; whereupon Mr. Goss moved that Mr. Lowe be declared the nominee. Mr. Reed's motion that Morton's declination be refused, and that he be declared the unanimous nominee of the convention was carried. Again Mr. Morton declined, but a motion to accept his declination was lost.

[2] The Nebraska *Advertiser*, Apr. 26, 1866.

Morton was credited, or charged, with the construction of the platform; and after the republican press had heaped the matter-of-course partisan strictures and ridicule upon it, he took malicious pleasure in retorting that the preamble and first resolution were copied verbatim from the immortal Jefferson's first inaugural address. The absence of allusion to the statehood issue shows that Morton had been willing to compromise as to that question with the pro-state element of the party; and in the campaign his opposition to statehood was not aggressive.

George Francis Train,[1] who had a long career of remarkable vicissitude, was a picturesque figure in this campaign. Though his speeches were not characterized by coherency, they were wonderfully bright, droll, witty, sarcastic, and humorous, and the contrast between his performance and that of the weighty and ponderous Oliver P. Mason, who followed him in a discussion at Brownville, is concededly indescribable. Train—and the audiences also—had immeasurable fun at the expense of Butler and Kennard, whom he engaged in joint discussion at Cuming City and Tekamah. Train strongly advocated statehood, but supported the democratic ticket. The joint discussion was the regular order in those earlier campaigns, and Morton and Butler engaged in them all over the territory. Morton entered into a fray of this sort with all the bright alertness which characterized his public speeches to the last, but with a rough-shod vehemence that had been greatly modified in his later days. His part of the discussion is described from the opposition point of view: "Morton out-spoke himself—for vehemence, argument, wit and sarcasm, outstripped everything I have ever heard in Nebraska." But the very radical editor is not content to leave Morton with this creditable testimonial, and he proceeds to exaggerate even the breezy methods of the times, and to drain the fertility of his own imagination by adding: "It was a bully democratic speech. Morton only gave 'the lie' direct nineteen times, the 'd—d lie' eleven times, 'the G—d d—d' lie twice and wanted to fight once, but was prevented by his friends from

[1] George Francis Train was born Mar. 24, 1829, in Boston, Mass., and died Jan. 18, 1904, at the Mills Hotel in New York city. His ancestors emigrated from Ireland early in the seventeenth century, though there was some French blood in the family. His father, Oliver Train, was a native of Boston, and his mother was born in Waltham. When four years of age his father removed with his family to New Orleans, and almost immediately both parents and three sisters died of yellow fever. George Francis Train was sent back to New England, where he received his education, which consisted of three months' attendance at a winter school. He lived with his grandmother until twelve years of age, when he found employment in a grocery store in Cambridgeport. Three years later he became a clerk for the firm of Enoch Train & Co., Boston & Liverpool packets. In 1849 he established the house of Train & Co. in Liverpool and organized the prepaid passenger business throughout Europe and America. In the same year, though not yet twenty years of age, he became one of the proprietors of the Diamond Line of Liverpool and New York sailing packets. The next year he became a partner in the Boston house of Enoch Train & Co., and assumed full charge of the business. He then went to Australia, and founded one of the largest stores and warehouses in Melbourne. He established the chamber of commerce and board of trade, and was the instigator of the Hobson Bay R. R. from Melbourne to Sandridge. In 1853 the presidency of the Australian republic was offered him by the Ballarat revolutionists, but he declined the honor. In 1858 he returned to England and became the champion of the street railway system in that country, and endeavored "to obtain an act of Parliament authorizing tramways in London." Failing in that, he laid tramways by the consent of the road authorities at Birkenhead and afterwards in London. Upon the outbreak of the Civil war, Mr. Train rendered valuable service to the Union, delivering over 100 speeches in Great Britain and Ireland. In 1862 he came to the United States and started on a lecture tour through the middle and western states. "On his tour, he was shot at in Dayton; arrested and ordered out of Missouri; only escaped assassination at Alton; and was bayonetted at Davenport." In Dec., 1862, he began the organization of the Kan. Pac. R. R., and later became an important factor in the original organization of the plans for building the U. P. R. R., and Dec. 2, 1863, assisted in the breaking of ground at Omaha. In 1864 he established the Credit Mobilier, and in 1865 the Credit Foncier of America. In 1857 Mr. Train began his career as an author. His principal books and brochures are: An American Merchant in Europe, Asia, and Australia, and Young America Abroad (1857), Young America in Wall Street (1858), Spread-Eagleism (1859); Every Man His Own Autocrat (1859); Young America on Slavery (1860); Observations on Street Railways (1860); George Francis Train, Unionist, on Thomas Colley Grattan, Secessionist (1861); Union Speeches Delivered in England During the Present American War, Speech Before the Brotherhood of St. Patrick, Speech on Slavery, Downfall of England (1865), and Irish Independence (1865); Championship of Women (1898). He traveled five times around the world and was widely known on account of his "round-the-world speeches," making one trip in sixty days,



getting a well deserved thrashing."[1] Butler was no mean popular debater, and in reaching the sensibilities of the plain people had the advantage over Morton. His favorite exclamation, "I thank God from my heart of hearts," etc., was at least a partial foil to the merciless cut-and-thrust of his greatly superior antagonist—in ability and wit. But again Morton, by cruel fate and more cruel manipulation of the returns, just missed his prize, as the official count of the vote shows: "For the constitution 3,938; against the constitution, 3,838. For congress, Turner M. Marquett, 4,110, Dr. John R. Brooke, 3,974; for governor, David Butler, 4,093, J. Sterling Morton, 3,984; for secretary of state, Thomas P. Kennard,[2] 4,075, Charles W. Sturges, 3,945; for auditor of state, John Gillespie, 4,071, Guy C.

which he termed his "Race Around the World." He gave a summary of his last trip as follows: "I bulldozed the Mikado in Japan, frightened out of their wits the Chinese at Hong Kong, bewildered the Malays at Singapore, ran over the Singalese in Ceylon, drove the Arabs crazy at Aden, astonished the Italians, French, English, and Irish, in turn, in a rapid rush through Europe, and returned to the United States." Mr. Train outlined his life career in his own peculiar way as follows: "Born at No. 21 High Street, Boston, 1829; residence Continental hotel, at present, generally in some jail; color, octoroon; sex, male; height, five feet eleven inches. My father was born in Boston, my mother at Waltham, Mass. My room, bed, desk in our homestead, two hundred years old, are still shown to visitors. Married in 1851. My wife is dead. My education was had in three months at a winter school. I am strictly temperate; I never tasted liquor. I have three grown-up children." George Francis Train has been called an "eccentric genius," but was without doubt the greatest "genius of eccentricity" that ever lived. He was married Oct. 5, 1850, in Louisville, Ky., to Willie Davis, daughter of Col. George T. M. Davis of that city, and three children were born to them: two sons and one daughter. The latter, Mrs. Susie M. Train Gulager, died at her home in New Rochelle, N. Y., in 1904, shortly after the death of her distinguished father. Mr. Train is said to have been in jail on seventeen different occasions on various charges, yet throughout his long and eventful career he never harmed a soul. As a lover of children and birds George Francis Train had few equals. He spent hours with them in the parks of New York city, when, for weeks at a time, he would not converse with grown people. He desired to be known as "Citizen Train." Charles A. Dana once said of him, "He is living two hundred years ahead of his time; yet until he is dead the fact will never be known." George D. Prentice, in the Louisville *Courier-Journal*, described Train as: "A locomotive that has run off the track, turned upside down, with its cow-catcher buried in a stump, and the wheels making a thousand revolutions a minute—a kite in the air, which has lost its tail—a human novel without a hero—a man who climbs a tree for a bird's nest out on the limb, and in order to get it saws the limb off between himself and the tree—a ship without a rudder—a clock without hands—a sermon that is all text—a pantomime of words—an arrow shot into the air—the apotheosis of talk—the incarnation of gab—handsome, vivacious, versatile, muscular,—as neat as a cat,—clean to the marrow,—a judge of the effect of clothes,—frugal in food and regular only in habits—a noonday mystery—a solved conundrum—a practical joke in earnest—a cipher hunting a figure to pass for something—with the brains of twenty men in his head all pulling different ways—not bad as to heart, but a man who has shaken hands with reverence."

[1] Nebraska *Advertiser*, May 30, 1866.

[2] Thomas P. Kennard, first secretary of state of Nebraska, and prominent as a business man, was born near Flushing, Belmont county, O., Dec. 13, 1828, son of Thomas and Elizabeth (Jenkins) Kennard. When he was about six years old his parents settled in the central part of Indiana, about thirty-six miles from the present site of Indianapolis. There the making of a home was undertaken and there was little chance for an education. Until his sixteenth year Mr. Kennard, all told, had about one year's schooling. Then he left the parental home and went to live with one Daniel Mowrer, who operated a woolen mill near Knightstown, Henry county, Ind., and there he spent four years in learning the woolen manufacturing business, receiving as compensation for the work required of him his board and clothing, three months' schooling, and, at the end of his apprenticeship, $50 and a suit of clothes. Another year was spent in working in different woolen mills to gain a further knowledge of the different processes of cloth-making. He then returned to Henry county, and in company with his brother, who had also learned the woolen trade, purchased an interest in the mill of Mr. Mowrer. For four years this business was conducted by the Kennard brothers, then Thomas P. sold his interests to his brother and removed to Greensboro, where he diligently applied himself to the study of law, he having given it much attention while engaged in the woolen business. After a year of study he removed to Anderson, Ind., and opened a law office. Reared as a whig by his father, he naturally became much interested in the political affairs of the day, and particularly in what is known in history as the Kansas-Nebraska bill passed by Congress in 1854, which aroused the people of the North and East in a general movement and resulted in the organization of the Republican party. Mr. Kennard's first political action was to attend the convention at Indianapolis in 1854, where the Republican party of Indiana was formed by the union of whigs, democrats, and abolitionists, and O. P. Morton was nominated by the new party for governor. This event was two years before the organization of the national Republican party, and the nomination of Gen. John C. Frémont. From that time to the present Mr. Kennard has always adhered to the principles of republicanism, in campaigns has been active in the support of his party, and has never swerved from doing his duty in causes that he believed subserved the greatest good to the greatest number of his fellow men. On the 24th of Apr., 1857, Mr. Kennard landed at Omaha from a Missouri river steamboat. Early the next morning he set out afoot for De Soto, twenty-two miles away. De Soto was then the county seat of

Barnum, 3,968; for state treasurer, Augustus Kountze, 4,099, Saint John Goodrich, 3,955; for chief justice, Oliver P. Mason, 3,936, William A. Little, 4,040; for associate justices, George B. Lake, 4,108, Lorenzo Crounse, 4,027, Benjamin E. B. Kennedy, 3,962, Ed-

Washington county, and there he opened an office, and commenced the practice of his profession. The next year he was joined by his family, whom he had left in Indiana when he started out in search of a location. As a lawyer he prospered and became closely identified with the interests of the new territory. He never believed in letting the opportunity seek him, but took for his motto: "If you want anything, go after it, and do not wait for it to hunt you up." Therefore he did not sit down and wait for something to "turn up," but went in search of something at which he could make some money. He purchased a small hotel, which he conducted for some time, and as he accumulated a little money he bought an interest in a store, and in addition to those business enterprises he carried on farming, and in fact never overlooked a proposition which he thought would result in gain to him. He was elected to a seat in the first Nebraska constitutional convention. Party lines were not closely drawn in Nebraska at that time, and he made his canvass on two propositions—one against capital punishment, and the other against grand jury, except to indict for felony. At the same election the voters were to decide whether the convention should meet and organize a state government and apply for admission as a state in the Union, or remain a territory. The decision was against state organization, and consequently the convention did not meet. In 1863, Joseph Burbank, who was United States collector of internal revenues for the western district, appointed Mr. Kennard deputy assessor and collector for the territory north of Douglas county. This position called Mr. Kennard into all sections of Nebraska, and resulted in his gaining a wide acquaintanceship with the prominent business men, a fact which soon resulted in his favor. In 1866 a convention of the Republican party was called to meet at Plattsmouth, and this convention nominated a full list of state officers, and passed resolutions in favor of state organization. Mr. Kennard was named for secretary of state. He, along with Gen. John M. Thayer, during the ensuing campaign, made a thorough canvass of almost the entire territory in favor of state organization. The election resulted in the carrying of the proposition for statehood and the election of the republican candidates. Governor Butler, who lived in the southern part, and Mr. Kennard, who resided in the northern part, arranged a meeting to be held in Omaha, at which, in cooperation with others, plans were laid for the development of the resources of the young state, including the matter of convening a special session of the legislature for the purpose of changing the site of the state capital, and inaugurating a system of internal improvements. The first constitution provided for no lieutenant-governor, the duties of that office being included with those of the secretary of state, who in the absence of the governor became the acting chief executive. Thus the gubernatorial responsibilities often devolved upon Mr. Kennard. The first meeting of the legislature, in accordance with the governor's proclamation, was held in Omaha, and during the session a law was passed providing for the removal of the seat of state government. The governor, the auditor, and the secretary of state were named in the measure to carry into effect the law, which provided for the laying out of a city on a section of state lands, one-half of the platted lands to be sold for the purpose of building a capitol, a state university, an insane asylum, and a penitentiary. The commissioners were confined within a certain limit for the location, and after careful consideration selected the site of the city of Lincoln, then in prairie grass, and on the very frontier of civilization. There were few settlers within a great radius, and not a mile of railroad west of the Missouri river south of the Platte. By the other commissioners, Mr. Kennard was designated to superintend the laying out and the surveying of the prospective city, and the plan as it presents itself to-day, with its reservations for capitol, university, post-office, park, and school grounds, is as was then mapped out, with one exception, viz., the commissioners set apart block 29, and dedicated it to a State Historical and Library Association, to be connected with the state university. This block was, however, at a later date donated to the city by legislative act. The consummation of the plans of the commissioners to carry into effect the provisions of the law and to construct the buildings seemed almost an utter impossibility; but what they accomplished and how well is a matter of history. By the terms of the law creating the commission, the members had to give bond in the sum of $50,000, the bond to be approved by the chief justice, and filed with the state treasurer within a specified time. Each of the three members executed a bond and the same were filed with O. P. Mason, then chief justice, and approved by him, but were not filed with the state treasurer as the law specified. The opponents of capital removal in Omaha took the position that the commissioners had failed to qualify, and consequently had no legal standing, and planned to prevent the removal of the state papers, and in fact the capital to Lincoln, by having an injunction issued on this ground. Governor Butler and Mr. Kennard counseled over the matter and formulated a plan which they successfully carried into execution. Mr. Butler went to his home in Pawnee county, and Mr. Kennard to his home in Washington county. One Sunday morning Mr. Kennard drove to Omaha, entered the state house, took the seal of the state, wrapped it up carefully, and placing it under the seat of his buggy, drove southwest to the Platte river, which he crossed on a little flat-boat ferry, and by night reached Ashland. Remaining there during the night, the next morning he drove to Lincoln, placed the state seal on the governor's proclamation, which, according to arrangement, had been prepared, announcing the fact that the state capital was now removed to Lincoln, and thus was the business of the new-born state commenced at a new stand. Once the location of the capital was settled, there was much to be done in the laying of the foundation of the new state and in carrying out the provisions of the laws for the founding and building of the various state institutions. Many problems were to be met and solved, not alone by the original commission, but by their official successors. There were few precedents to be followed in their official actions, but how well they blazed the way is in evidence to-day in the numerous noble institutions that are the pride of Nebraskans. Retiring from the office of secretary of state at the end of his second consecutive term, Mr. Kennard resumed his practice of law, but soon abandoned it

ward W. Thomas,[1] 4,017. It will be seen that one democrat, Little, was elected by a majority of 104. The vote of the 1st Regt. Neb. Vol. Cav. was 134 for and 32 against constitution.

There was a wholesale emigration of the soldiers of the 1st Neb. Regt. to their homes in Iowa, Missouri, and other states after having voted in Cass and other counties. They voted for Stone in Iowa the year before, and "never pretended to be citizens here."[2]

Mason was the only candidate on the "union" ticket who was defeated, though Crounse escaped only by the narrow margin of 10 votes. While the apology for Mason's misfortune may have been colored by the propitiatory exigency of his party organ, it yet throws an interesting light on two prominent politicians of that day:

"Mason is a tried and true union man; he has encountered the enemy in many instances during the recent rebellion where it was considered dangerous to openly denounce treason; where traitors stood thick around him, threatening him with violence for his plainness of speech. And it was on this account more than any other that the terrible effort was made to defeat him for chief justice, and also that Mr. Little, the most popular democrat in the territory became his competitor."[3]

The vigor with which the "loyal" shibboleth was sounded in the campaign of 1866 is illustrated by the charge that Dr. Brooke, of Salem, democratic candidate for member of Congress, lamented that his son enlisted in the union instead of the rebel army.[4] The substantial ground of opposition to statehood was the dread of the still impecunious people of foregoing the paternal appropriations of the federal Congress for the support of the territorial government and undertaking the formidable responsibility of self-support under the increased expense of state government. This principal objection that a population of only 40,000, and in straitened circumstances, could not bear the burdens of state government was both strong and effective; but the

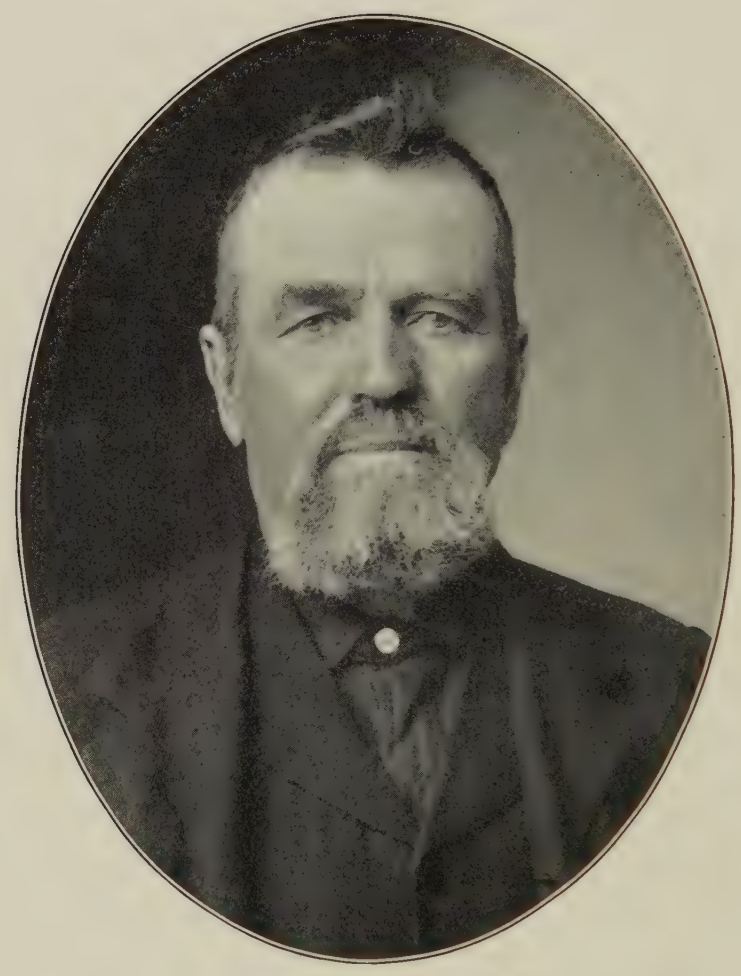
to enter into other business pursuits—first a private banking enterprise, then in the general merchandise business, but neither proving satisfactory they were discontinued. On Oct. 15, 1874, under an act of the legislature, he was appointed by Gov. Robert W. Furnas state agent to prosecute certain claims against the United States government, growing out of conditions arising under the enabling act. Under the law and by his contract, the state was to be held harmless and pay Mr. Kennard no expense if nothing should be collected. He immediately entered into active work, and spent more than a year in Washington, and $3,600 in money, with the result that he finally collected $27,043.99 as 5 per cent on sales of the Pawnee Indian reservation, which, under Mr. Kennard's contract, entitled him to one-half, the contract specifically including Indian reservations. Under resolution of the legislature, Mr. Kennard brought suit in the district court, and his claim was allowed, but the state appealed the case on a technical point, and the decision of the lower court was reversed in the state supreme court. From this decision Mr. Kennard has taken an appeal to the United States Supreme Court, in an attempt to gain what he believes is justly due him. In Nov., 1875, he was elected to the state senate, served during one session, but before his term expired was appointed by President Grant as one of a board of three appraisers to appraise about 7,000,000 acres of land in the Indian territory, as a basis of the sale of said land to various Indian tribes the government was settling in the territory. Apr. 25, 1876, the commission met at Lawrence, Kan., and organized by electing Mr. Kennard president of the board. After active field work with an escort of sixteen United States soldiers, the work became irksome, and about the 1st of the following September Mr. Kennard resigned his office and returned to Lincoln. Upon his return he was appointed local attorney of the U. P. R. R., and attended to the legal business of the company for a number of years, and until the late S. H. H. Clark retired from the road as general manager. In 1890 Mr. Kennard organized the Western Glass & Paint Co., and since has been engaged as its president and general manager. In 1896 he was elected as a delegate-at-large from Nebraska by unanimous vote of the state convention to represent Nebraska as one of the delegates to the Republican national convention at St. Louis, and was made one of the vice-presidents of that memorable body. In May, 1898, he was appointed by President McKinley receiver of public moneys at the United States land office at Lincoln, and special disbursing agent of the government.

[1] Edward Whittingham Thomas, born May 16, 1830, the son of an Episcopalian clergyman, was a native of South Carolina, as were his ancestors for several generations. He was graduated from Charleston college, and engaged in teaching until 1855, then spent one year in the universities of Berlin and Göttingen. In Oct., 1857, he settled in Nebraska City, and engaged in the practice of law. In 1859 he removed to Brownville, and later formed a law partnership with J. H. Broady. At the June election in 1866 he was a defeated candidate for supreme judge of Nebraska. In the spring of 1871 he was nominated by the Peoples convention of Nemaha county as delegate to the constitutional convention of that year. He was married in 1865 to Kate Allison, and died at Brownville, Neb., in Feb., 1897.

[2] Omaha *Herald*, July 13, 1866.

[3] Nebraska *Advertiser*, June 28, 1866.

[4] Copied from the Kansas *Chief* by the Omaha *Republican*, May 11, 1866.



J. W. Gilbert

objectors could not then see into the very near future when the advent of the two pioneer railway systems was to mark the real beginning of immigration, and such rapid rise of the commonwealth in population and importance as should require the advantages and deserve the dignity of statehood.

The chief stimulus to the opposition of democratic leaders was tactical. In the beginning of the campaign the Nebraska *Statesman,* which supported the democratic ticket but favored statehood, urged this view of the case:

"We know we have the evidence to prove what we say, (and if we have not, Hon. J. S. Morton has the best of proof in his own pocket), that the reason of the opposition of leading men in our party to the state movement is wholly and solely due to the fear they have that the democratic party has not the strength to elect a majority of the state legislature at the June election. We know that far from really believing anything irregular in the plan of a legislative made and submitted constitution that these leading men did advise, and that nearly if not all of the democratic members of the last assembly would have voted for, the constitution, then and there, if the vote on the adoption of the instrument had been separated from the election for state officers, carrying the latter over to the October election, so that the party could have been put into good training for success at that time. Any democrat who is candid, who was about Omaha during the last days of the session, knows these facts and will reiterate them."[1]

While the republicans could urge with candor the advantages of the increased prestige and influence of statehood—and particularly the value of having three representatives in Congress entitled to vote, touching still unsettled questions concerning the Union Pacific railway—yet their chief object was the honors and emoluments of congressional membership. It was estimated that, "counting from Hitchcock up, and from Marquett down, any ordinary observer can count at least forty persons who aspire to senatorial and still higher honors."[2] In the spring of 1866 the *Herald* listed among the aspirants to the senate, Kellogg, Saunders, Redick, Thayer, Paddock, and Tipton; and, factionally classed, "Kellogg is for Johnson, Paddock leaning that way, Saunders against, Thayer, Redick and Tipton not well placed, Butler on both sides, and Edward B. Taylor, ring-master or big Indian."

The same journal called the faction which was defeated in the first senatorial contest the Taylor-Saunders-Irish party, and Judge Elmer S. Dundy, so far as his innate wariness permitted him to disclose his attitude, hung on the outer edges of this faction.

The *Herald* at this time also refers to John I. Redick as a renegade democrat, now so radical that "he would eat the tails of African rats and thrive on the diet."

To men whose lives were pent up in the desert-like aloofness from the important world those ambassadorships to Washington must have seemed dazzling prizes indeed, and they awoke the covetous ambition of the unfit and unworthy as well as of the capable, strong, and worthy.

The disgraceful record of elections and election contests in the territory finds a fitting climax in the exclusion of the vote of Rock Bluffs, a precinct of Cass county. But there was still so limited a public, and, in consequence, such paucity of public opinion, that the selfish aspirations of a comparatively few politicians were paramount and almost unrestrained; so that, when it was ascertained that manipulation of local election returns somewhere was necessary to insure a republican majority on joint ballot in the legislature, Rock Bluffs precinct was selected as the most promising field of operation. The reports of the committees of the two houses of the legislature give the history of the Rock Bluffs procedure, and the deep impression of its political and moral significance on the mind and conscience of the commonwealth is still uneffaced. Its immediate practical result was the choice of Crounse instead of Thomas as judge of the supreme court and the election of Thayer[3] and Tipton as United States sena-

[1] Nebraska *Advertiser,* May 3, 1866.

[2] Omaha *Herald,* Dec. 1, 1865.

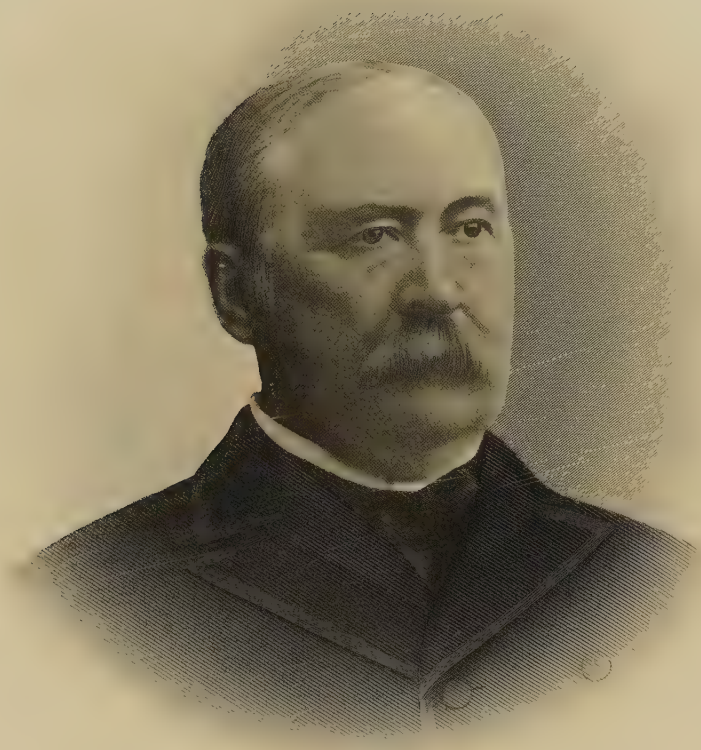
[3] John Milton Thayer, soldier, United States senator, and governor of Nebraska, was born in Bellingham, Mass., Jan. 24, 1820. He is the son of

tors, instead of Morton and Poppleton, by a joint vote in the legislature of 21 to 29.

The discerning reader will without much difficulty draw his own conclusions as to the animus and the right or the wrong of throwing out the vote of Rock Bluffs precinct and of counting the soldier vote, from the reports of the committees of the 1st state legislature

---

Captain Elias and Ruth (Staples) Thayer, and his grandfathers upon both sides were reputed lieutenants in the war of the Revolution. John M. Thayer was raised on a farm, upon which he worked during the summer, and attended the district school in winter. When old enough he taught several terms in the village schools of his county. He prepared for college under the tutelage of Rev. Calvin Newton of Waterville, Me., and Rev. J. T. Massey of Bellingham; entered Brown university in the fall of 1837 and graduated in 1841. Later he studied law under the late Isaac Davis of Worcester, Mass. In 1854 he moved to Nebraska, settling in Omaha, where he was admitted to the bar, but did not enter upon the practice of his profession. He engaged in farming and became identified with the pioneer life of the state of his adoption. The 1st territorial legislature commissioned Mr. Thayer brigadier-general in command of the forces raised for defense against the Indians, who were very troublesome to the settlers. The next session of the legislature formed the territory into two divisions, and made him major-general in command. For six years he was in the service protecting the scattered pioneers, and keeping the Indians within bounds. Twice he had to deal with a general uprising of the entire Pawnee nation consisting of about 5,000, including 1,500 warriors. The last outbreak of this tribe occurred in 1859, when the whole nation went over on to the Elkhorn and renewed their assaults upon the white people. General Thayer raised a force of 194 men, and with one piece of artillery started in pursuit of the Indians, who were leaving behind them one wide swath of destruction. The rebellious Indians were rounded up and subdued, and this was the last Pawnee scare. At the beginning of the Civil war General Thayer applied to the Secretary of War asking that one regiment be assigned to Nebraska, which was granted. He then raised a full regiment of 1,000 men in the new territory which showed a population in 1860 of only 28,841 people. He was commissioned colonel of the 1st Neb. Vol., immediately reporting his regiment to General Frémont in St. Louis. He was sent to reinforce Grant who was holding Pilot Knob, then threatened by Hardee at the head of 7,000 confederates. From his first meeting with Grant, whom he found simply clad and smoking a clay pipe in his farm house headquarters, they were warm friends. General Thayer was made brigadier-general for gallant services at the battles of Donaldson and Shiloh, and later was made major-general by brevet. He led a storming column against the Vicksburg Bluffs at Chickasaw Bayou in the Sherman expedition up the Yazoo; had his horse shot from under him at the taking of Arkansas Post; and served all through the siege of Vicksburg under Grant. He was then transferred to the Department of Arkansas and later assigned to the command of the District and Army of the Frontier. He successfully defended Ft. Smith against the enemy, and commanded a division in the battle of Jenkins Ferry. General Thayer was a brave soldier and one who never hesitated to take prompt action whether in the punishment of a wrong or in the doing of a kindness. The following illustrates his kindness of heart toward the oppressed: In the winter of 1861, while still a colonel, he received an order from a general officer to have his camp searched for a runaway slave, and to return him, if found, to his master who brought the order. Colonel Thayer said to the slave hunter: "You shall not take this man back to bondage, and I give you just five minutes to get outside my lines." The man did not hesitate about going, and General Thayer kept the slave over night and next morning gave him supplies, and sent him on his way rejoicing. Another incident worthy of mention in the career of General Thayer occurred when his regiment was stationed at Leavenworth. News came from Independence, Mo., that four union soldiers had been captured by the rebels, and were held as spies, awaiting death. General Thayer determined to save them, and accordingly boarded the boat and went down the river to Independence with his company. They proceeded at once to the jail and demanded the release of the four union soldiers, who were given their freedom. At the close of the war General Thayer returned to Nebraska, where he strongly advocated the admission of Nebraska into the Union as a state. He was a member of the first constitutional convention and was chosen one of the first senators to Congress, serving in that capacity from 1867–71. In 1875 his old friend, General Grant, who was then president, tendered him the position of governor of Wyoming where he served three years and nine months. In 1885 he was elected governor of Nebraska, and was reelected in 1887, serving in all four years. The general entered upon his third term as governor of the state though not a candidate for the office. After the election of 1890 it was discovered that James E. Boyd, who was elected governor on the democratic ticket, was of foreign birth and had come with his father to Nebraska as a minor, and that neither his father nor himself had taken out naturalization papers. Governor Thayer, in accordance with legal advice, declined to turn over the office to him, and claimed to be governor *de facto* and *de jure* until a successor was elected and duly qualified. The issue was tried on a writ of ouster before the supreme court, and the governor's contention held valid. The case was appealed to the federal supreme court, and that body, by a majority of one, reversed the decision of the Nebraska supreme court and seated Mr. Boyd. In accordance with this decision General Thayer turned over the office to him Feb. 3, 1892. General Thayer was married in 1843 to Mary Torrey Allen, a daughter of Rev. John Allen. Mrs. Thayer died in Sept., 1892. "She was a faithful wife and mother and one of the most patriotic of women," is his simple tribute to her. Six children were born to them, only two of whom are now living, George Dana Thayer and John M. Thayer, Jr., the latter residing at Alton, Ill. Governor Thayer retired to private life in 1892 and has since devoted some of his time to literary pursuits. The degrees of A.B. and A.M. were conferred upon him by Brown University, and LL.D. by the University of Nebraska. He is a prominent member of the G. A. R., the John M. Thayer post being named in his honor. In 1879 he was elected department commander of the G. A. R. of Nebraska. General Thayer has always been a republican.



John M. Thayer

and the address to the public, written at the time by James M. Woolworth, and signed by twenty-one members of the legislature.[1]

In the contest proceedings in Cass county it had been stipulated that the testimony taken in the case of Cooper against Hanna should

[1] The following is a verbatim copy of the address as published in pamphlet form:

"On the 19th of Apr., 1864, Congress passed an act authorizing the people of Nebraska to form a State government. The act provided for an election in May, of members of a convention which should assemble on the fourth of July, and frame a constitution. This instrument was to be presented to the people for their adoption or rejection, in October. The act did not provide for taking the sense of the people upon the fundamental question, whether or not they would become a State. But they asked it and answered it, and in this way: In the election for members of the convention, party lines were not drawn. On one side, candidates favorable to State organization were nominated; on the other, candidates who were pledged to vote for an adjournment, *sine die*, as soon as the convention was organized, and before it proceeded to business. The result was, two-thirds of the members elected were favorable to adjourning, and they were elected by very large majorities. For instance in Douglas, one of the most populous and wealthy counties in the Territory, but forty-five votes were cast for State organization. No record of the election was preserved, but we believe the majority was proportionately as large elsewhere as in that county. Accordingly, when the convention assembled on the fourth of July, 1864, it organized by the election of its officers, and immediately thereupon adjourned, *sine die*.

"SPRINGING THE QUESTION

"This emphatic expression of popular will, as was generally supposed, laid State organization at rest. At the general election in October, 1865, it was not even suggested. In its platform, adopted at a territorial convention, for nominating candidates for auditor and treasurer, the Republican party did not mention the subject. The Democrats in a very emphatic resolution, declared against any movement which did not provide for taking the popular vote on that subject, divested of all other issues, and before any step was taken towards framing a constitution. Had it been supposed possible that the territorial legislature would draft a constitution, many men who succeeded in obtaining an election to it, would have failed to receive so much as a nomination. For instance, in the delegation from Otoe county were O. P. Mason and J. B. Bennett of the Council, and J. H. Maxon of the House. These gentlemen, after the legislature assembled, showed themselves to be very ardent friends of the scheme for that body making a State of Nebraska. And yet their county rejected their constitution by a majority of over four hundred votes. So, too, the Cass delegation supported the measure, and their county gave a majority of three hundred and twenty-five against it. Not one of them could have been elected if they had been known to favor State organization.

"But after the election the plan was developed. It was proposed now, for the first time, that the legislature should resolve itself into a convention, draft a constitution, and organize a State government. Conscious that such action was an exercise of powers confided to that body neither by the law nor by the people, the attempt was made to obtain petitions numerously signed, praying the two houses to perform this extra service. These petitions were in large numbers sent out of the 'executive office,' into all parts of the Territory, accompanied by letters urging the parties receiving them to circulate them generally in their neighborhood, obtain signatures and return them. The measure was prosecuted with great energy. Nearly every citizen in the Territory was solicited to sign one of these petitions. With all these efforts only about six hundred names were obtained. The attempt to give the scheme the appearance of a popular movement was confessedly abortive, so that the petitions were never made an apology for the action of the legislature.

"THE ACTION OF THE LEGISLATURE

"At the opening of the session, a decided majority of the members of the House were opposed to the measure. Among the Republicans, many were determined in their opposition. All the federal officials, Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Indian Superintendent Taylor, and others, made a party question of it. It was given out that no man who opposed it could expect or should receive recognition in the party. Meeting after meeting was held and the matter urged by all the eloquence and sophistry possible, while private conversations were converted into private appeals and private bargains. One by one was won over—promises of office and of contracts and yet more tangible influences doing the work. Chief Justice Kellogg, Secretary Paddock, Mr. Mason and two or three others, now set themselves to draft the constitution which this legislature should adopt. In the calm and undisturbed retirement of private rooms, and under the protection, from interruption, of locks and keys, these gentlemen pursued their work. They produced an instrument suited to their purposes, which the legislature was to adopt at their discretion. Its chief merit was that it provided a cheap government. According to their estimates, its annual expenses would not exceed over twelve thousand dollars. Not a single State officer, except the judges, was to receive as much as a hod carrier's earnings. The people, it was insisted, were able to support a State government, but were not willing to pay their officers respectable soldiers' pay for their services. A respectable State government would, they argued, frighten the people and they would reject the constitution. A cheap government of cheap men answered the purpose designed, inasmuch as the senators in Congress are paid by the United States.

"On the fourth day of February, 1866, their constitution was introduced into the Council, accompanied by a joint resolution in these words:

"*Resolved*, By the Council and House of Representatives of the Territory of Nebraska. That the foregoing constitution be submitted to the qualified electors of the Territory, for their adoption or rejection, at an election hereby authorized to be held at the time and in the manner specified in the seventh (7th) section of the schedule of said constitution, and that the returns and canvass of the votes cast at said election be made as in said section prescribed.

"The constitution was not printed for the use of either house. No amendment was permitted to one of its provisions. A strenuous effort was made to obtain an amendment separating the election upon the adoption or rejection of this instrument from that for State officers; but the decisive answer was, candidates for office under the State organization will

be used in the other senatorial contest and in the contest over seats in the house of representatives. It is said that by accident or oversight this stipulation was not placed on file, though it appears that it was at least verbally agreed to. It will be seen on reading the

support the constitution. The effort therefore failed. On the 8th the resolution passed the House, and on the 9th was approved by the governor.

"THE CANVASS

"The canvass, such as it was, opened.

"Governor Saunders, Chief Justice Kellogg, Secretary Paddock, Major General Thayer, George Francis Train, John I. Redick, Mr. Butler, Republican candidate for governor, and Mr. Kennard, for secretary of State; Major Taffe, Indian Superintendent Irish, and a large number of others, went into every part of the Territory, into the cities and the hamlets and from house to house, advocating in public speeches and in private conversations the cause of State organization. Every influence, every devise, every false argument and every false statement was pressed into the service; not a single newspaper in the Territory opposed the movement with vigor. Mr. J. Sterling Morton was the only person who spoke publicly against it. He was the Democratic candidate for governor. Party questions required discussion at his hands. Out of deference to those Democrats who favored the measure, he felt constrained not to give it a persistent opposition.

"Under circumstances so favorable to the measure the election was held on the 2d of June. It had been given out, in an unofficial way, that the constitution was carried by a majority of 100. The governor, the chief justice and the United States attorney were the canvassing board. To this day no proclamation has been issued by the governor, no document over the names of the board has been published declaring the result. Why this reticence after such efforts to secure the result claimed we cannot conceive.

"But it has been questioned, whether of the legally polled votes there was in fact a majority of 100—or any majority at all. We will now endeavor to answer that question.

"1. There is in Cass county a precinct known as Rock Bluffs. On the 2d of June an election was regularly held in this precinct, at which 158 votes were polled, a majority of 78 of which were against the constitution. In the county canvass, this vote was excluded on account of certain alleged irregularities in the manner of conducting the election and certifying the returns. No fraud is pretended. The nature of the irregularities will be examined hereafter. It is enough for our present purpose to say that the vote was excluded in the canvass for irregularities merely, and consequently does not appear in a count, which gives a majority of 100 for the constitution.

"2. A large number of the soldiers who enlisted at the commencement of the war and until the present time have served in the First Regiment of Nebraska Volunteers, were from Iowa. They lived in that State at the time of their enlistment. During the war, commissioners have been sent by the governor of that State to take their votes at the State elections, and they have voted at such elections as Iowa soldiers. They did so as recently as last fall. These soldiers were on the 2d of June stationed at Fort Kearney. A poll was held then at which 134 soldiers voted for and 34 against the constitution. Of the former at least 40 were Iowa soldiers, and never resided in Nebraska save when on military service therein. Section 5 of the organic act provides that 'no soldier shall be allowed to vote or hold office in said Territory by reason of being in service therein.'

"3. Col. Matthewson, agent of the Winnebago Indians, had, on the 2d of June, been in Nebraska only four months; whereas the laws of the Territory require six months residence to constitute a qualified elector. He had 18 half-breeds of that tribe voted at the reservation for the constitution.

"4. In Merrick county is a precinct known as Poll Creek, at which an election was regularly held, and a majority of 11 given against the constitution. The county clerk threw out this vote, for alleged irregularities of the same character as those at Rock Bluffs, and of course it was not counted in the canvass which gave a majority of 100 for the constitution.

"These statements sum up as follows:

| | |
|---|---|
| 1. Rock Bluffs precinct | 78 |
| 2. Iowa soldiers | 40 |
| 3. Col. Matthewson and his half-breeds | 19 |
| 4. Poll Creek precinct | 11 |
| Illegal and suppressed votes | 148 |
| Deduct the majority claimed | 100 |
| Majority against the constitution | 48 |

"No attempt is made here to show all the illegal votes cast for the constitution. If prosecuted thoroughly, such an attempt would, it is believed, show that that instrument was rejected by a clear majority of 200 qualified electors. Our purpose is answered as well by showing a majority of 20 as of 1,000.

"The territorial canvassing board, notwithstanding all the above illegal and suppressed votes, show that Mr. Morton, the Democratic candidate for governor, received 3,948 votes, and, according to the official canvass, was defeated by 145 votes; while the constitution received only 3,923 votes, and was carried by 100 majority.

"The whole number of votes said to have been polled both for and against the constitution is 7,746, while the whole number of qualified electors in Nebraska is at least 12,000.

"THE BALANCE OF POWER

"The House of Representatives contained 38 members. The seats of the four members from Cass county were contested. Excluding these four, the House stood 17 Democrats and 17 Republicans. The party which secured the Cass county representation would, of course, be in the majority. The Senate contained 13 members. The seats of the senator from Cass and of the senator from Cass, Lancaster, Saline, etc., were contested. Excluding those two seats, the Senate stood six Democrats and five Republicans. Here, too, Cass held the balance of power. But the board of county canvassers issued certificates of election to the Republicans, which at the organization of each House gave them the seats and placed the Democrats in the attitude of contestants. Until the House should declare the latter entitled to their seats, the former participated in the action of the Legislature as any other members, and the House stood 21 Republicans to 17 Democrats, and the Senate stood 7 Republicans to 6 Democrats. The constitution provided that the territorial election law should continue in force until amended or repealed by the State authorities. This law provided for the prosecution of contests between persons

reports of the several committees of the legislature that they took advantage of this technical irregularity, and five of the six contested seats were awarded to the republicans, wholly without consideration of the facts. Probably nothing more, and certainly nothing

claiming adversely to be elected to either House of the Legislature. In pursuance of it, each Democrat claiming to be elected, served upon each Republican who held the county certificates, notice of contest and of the taking of depositions in support of his claim. Voluminous testimony was taken on both sides. When the House was organized, (and we present the facts as they transpired there, for the sake of brevity,)—these contests were duly brought forward and referred to the committee on privileges and elections. This committee refused to consider or read, or so much as open the depositions taken. The majority reported to the House a series of resolutions—one of which declared that Samuel Maxwell, one of the sitting members, was entitled to his seat; another of which declared the same of Mr. Bell, and so on, until the seat held by each Republican was in its turn separately awarded to him. The minority, in their report, reviewed the evidence at length, showed that the contestants were entitled to their seats, and recommended a single resolution accordingly. Without debate, without hearing the evidence, and without consideration, the House laid the minority report on the table, and brought the four resolutions recommended by the majority to a vote one by one. In this operation the sitting members moved the previous question five times and were sustained by their friends. And so it happened when the vote was taken upon that declaring Samuel Maxwell entitled to the seat he occupied in the House, 17 Republicans who were entitled to seats in that body, voted aye; 17 Democrats voted nay; and Mr. Maxwell's colleagues, Mr. Bell, Mr. Hathaway, and Mr. Chapin voted aye; whereby the vote was made to stand 20 to 17. So Mr. Maxwell retained his seat. And so when the resolution in favor of Mr. Bell was brought forward, the members entitled to vote stood 17 to 17, and Mr. Maxwell took Mr. Bell's place in voting, and, with Mr. Hathaway and Mr. Chapin gave the sitting member his seat. The same farce was played for the benefit of Mr. Chapin and Mr. Hathaway in succession. The same practice obtained in the Senate and defrauded the Democracy out of three seats in that body. When this system of mutual support and alternate voting had disposed of the six contests from Cass, the two Houses went into joint convention, for the election of United States senators. Fifty votes were cast on the first ballot—all the Republicans, 28 in number, for T. W. Tipton, and all the Democrats, 21 in number, voting for J. Sterling Morton. On the second ballot the same number of Republicans voted for John M. Thayer, and the same number of Democrats voted for A. J. Poppleton. Had the six seats of the members from Cass been occupied by Democrats, who had been fairly elected, the vote would have stood for Mr. Morton and Mr. Poppleton, 27, and for Mr. Tipton and General Thayer, 23.

"THE SOURCE OF POWER

"We have stated that the vote of the Rock Bluffs precinct was suppressed by the board of county canvassers. Again, for the sake of brevity, we will consider the effect of that action upon the election of the members of the House of Representatives. If that vote had been counted by the canvassing board, all of the Democrats would have been elected by majorities varying from 4 to 21. That vote being suppressed the Republicans appeared to be elected by a vote varying from 25 to 42. The act of the county board, then, in suppressing that vote, and awarding the certificates of election to the Republican candidates, gave the organization of the House to that party, placed it in the power of those candidates to vote for themselves on the resolutions of the majority of the election committee, and thus gave the House permanently to the Republicans. The same is true of the Senate. The same is likewise true of the joint convention which elected senators. In determining whether Nebraska shall become a State, in electing the representation of Cass county in the Legislature, in deciding the political complexion of the two Houses, in electing United States senators, the source of power is the board of county canvassers.

"THE LITTLE JOKER

"The authority of this board is derived from the sections 19, 21, and 22, of the election law of the 15th of February, 1864. Section 19 requires the judges of election in each precinct to enclose one of the poll books and tally lists in a sealed envelope, and direct and convey the packet to the county clerk. Section 21 requires the county clerk, together with two free-holders of the county to be selected by him to open the several packets, and make abstracts of the votes therefrom. Section 22 provides that after the abstracts are made, the persons having the highest number of votes shall be declared duly elected, and the county clerk is required to issue the certificates accordingly. From these provisions of the law, it is apparent that the county board have no power to go behind the returns made by the precinct judges of election. If frauds have been perpetrated, the remedy elsewhere is provided. But the county board usurped the power. The law requires the several county boards to make their returns to the territorial board, composed of the governor and other officers. The provisions prescribing the powers and duties of the territorial board are the same as those prescribed in the sections above cited for the county board. When the territorial board had assembled to canvass the returns, proper representations were made to it of the action of the Cass county board. Its members were appealed to, to undo the wrong, but it refused to do so, alleging that its powers were ministerial,—merely to count the returns made to it, and simply declare such result as the returns of the county clerks showed. Thus the very same terms of the law are construed to authorize one set of officials to go behind returns made to them and not to authorize another set of officials to go behind returns made to them. The law may be used to commit the wrong of disfranchising a community; it cannot be used to redress such a wrong. And not only is there no remedy; there is no punishment for the wrong-doer. The county clerk is selected under territorial laws, and exercises his office under the authority of the Territory. At the time these acts were committed there were no State courts no State laws. The Territory cannot punish him for the election and his action was outside of its authority. The State cannot punish him, for it did not exist and had no laws to be violated when the offense was committed. And so he escapes. He knew this at the time. After the county canvass was held, he

OLE ANDERSON

PIONEER OF OTOE COUNTY

less, should be said of this procedure than that its audacity was worthy of a better, while its shameless inequity and downright dishonesty would have disgraced even a worse cause.

hesitated in issuing the certificates. A distinguished judicial officer laid his fears of punishment to rest, and thereupon he committed the act.

"HOW THE COUNTY CANVASS WAS CONDUCTED

"In the contest for seats in the two Houses, this county clerk, Burwell Spurlock by name, was examined. His deposition is full of evasions, contradictions and inconsistencies. We cannot take up our space in showing by them what manner of man he is. This, however, is the account which he gave of the manner in which the canvass was conducted. He, a Republican, selected two persons as free-holders, who were also Republicans, to act with him. They retired to a room which they locked and kept locked during the session. One of the board during the session went out and brought in W. F. Chapin, who was one of the Republican candidates for representative. Mr. Chapin was sworn by the county clerk and testified that the precinct election board adjourned an hour at noon and an hour at evening, for dinner and supper, and that one of the judges took the ballot box home with him each time. No other testimony was taken. The board had before it a remonstrance, protesting against counting the vote of Rock Bluffs. It was written by Major D. H. Wheeler, agent of the Pawnee Indians, and signed by two residents of that precinct and one of Plattsmouth. The clerk had been informed of the adjournments by Democrats to whom he applied for information. Upon the strength of this evidence—of the production of which the other side were not in any manner notified—in this secret manner this board determined to, and did suppress the vote of Rock Bluffs. Such is Mr. Spurlock's testimony.

"THE CAUSES ALLEGED

"In order to place upon the record, side by side with this section, their apology for it, the board drew up and filed a paper called a 'report.' In this they allege as the reasons for their action, fraud, the irregularity in adjourning the polls at noon and evening, and the fact that the poll book and tally sheet were not separately certified. Let us examine these three reasons separately.

"1. The charge of FRAUD. Mr. Spurlock himself swears that there was no evidence of fraud, but that the board thought that there was *'possibility of fraud.'* On the other hand, the judges and clerks were sworn and they all agree in this statement: at noon Mr. Hutchinson, the senior judge, declared the poll closed for one hour. Mr. Murray, another judge, locked the ballot box securely and put the key in his pocket, and then the poll books were locked in a desk, Mr. Murray also taking the key. Mr. Hutchinson and Mr. Smith, one of the clerks, took the box and went to the house of the former to dinner. Mr. Murray went in another direction to his dinner. During the interval Mr. Hutchinson and Mr. Smith both had the box constantly in their view, and it was not opened or otherwise tampered with. All the members of the board met at the door of the house, about the same time after dinner, and went in together. The poll books had not been disturbed. The same thing was done at 6 o'clock in the evening. Each adjournment was about an hour in length. No one was deprived of the opportunity of voting by the adjournment. And all whose names were on the poll book voted, and all but one of them were qualified electors. As if to show the utter impossibility of fraud, the ballots cast were produced and the number of each was found to correspond with the number on the poll book of the name of the elector who cast it. This statement is in every particular sustained by the evidence produced. It effectually disposes of the wanton charge of fraud.

"2. The adjournments are also alleged as reasons for the action of the board. The facts touching this pretense are stated above. The board itself certainly did not consider them as justifying their action, for in the Mount Pleasant and the Weeping Water precincts, the same thing occurred. As those precincts gave decided majorities for the constitution and the Republican ticket, no objection was taken to their action. It was different in the case of a precinct which voted the other way.

"3. The statute evidently contemplates that the poll book and tally list returned to the county clerk, shall be separately certified by the judges and clerks of election. At Rock Bluffs the poll book, tally list, and abstract, which are required to be made out and returned, were all bound up together in a book, and one certificate to all of them appeared at the end. The clerks and judges testify that they did not certify each document by itself, because they supposed the one at the end of them all, was sufficient to have covered all the three together. This irregularity also occurred at Plattsmouth, but was not considered fatal to its vote. Indeed, these men who are such sticklers for the law, and an exact compliance with its provisions, have themselves failed to observe its requirements. It is required that the clerk shall select, to act with him, 'two free-holders of the county.' These two freeholders do not appear to be freeholders of Cass, but only freeholders generally; perhaps of Otoe county; perhaps of Iowa. We have already seen that what is good law in one case is not in another. These men acted on this principle in discriminating in their decisions, in favor always of Republican, and against Democratic precincts.

"It was never before held that mere irregularities in conducting elections should disfranchise a whole community. The question has been repeatedly decided by the most learned courts, which, in their determinations, have been free from the prejudices and excitements of political assemblies. One of these decisions is that of the Court of Appeals of the State of New York, in the case of *The People* vs. *Cook*, reported in 6 Selden, 67. On page 86 the Court in a very carefully considered opinion say on the subject of irregularities of the character mentioned above: 'There are various duties enjoined by law on the inspectors, (*i. e.* the judges of election,) the great objects of which are: (1.) To afford to every citizen having a constitutional right to vote, an opportunity to exercise that right. (2) To prevent every one deprived of that right, from voting; (3) and to conduct the election in such a manner in point of form, that the true number of legal votes can be ascertained with certainty. If all these objects be accomplished to reject the whole vote, because the inspector (*i. e.* the judges) failed to comply with every prescribed regulation, would be to place a higher value on the statute regulation than on the right itself. It would be a sacrifice of substance to form.' A multitude of cases deciding the same thing might be cited.

"Now let us apply these salutary principles to this case. (1.) It was proved and we have stated above, that no one was deprived of his right to vote by any-

The four democratic candidates for membership in the house from Cass county were clearly entitled to seats, barring the technical irregularity on the part of the Rock Bluffs election officers, but against whom no fraud or intention of fraud was shown. By prin-

thing that occurred at Rock Bluffs. (2.) With a single exception no one voted who had not the right to vote. (3.) The poll book, verified by the judges and clerks, and the tally list both included in the final certificate of the judges and clerks, show with absolute certainty what was the true number of legal votes. The three objects of the law specified by the court were accomplished. In its language, 'to reject the whole vote, simply because the judges' went home to dinner and supper, and certified the poll book and tally sheet at the end of the abstract instead of separately, 'is to place a higher value on the statute regulation than on the right itself. It would be a sacrifice of substance to form.' To reject the whole vote for the reason that five men did not do their exact duty, is to say that five men have it in their power at any time to disfranchise five thousand. It is giving to five men the power which in this case three men usurped. No court ever so held; no honest man will ever so decide.

"THE RECORD OF THE CANVASSERS PRESERVED

"Alvin Saunders, the governor, A. S. Paddock, the secretary, and William Kellogg, the chief justice, all of them with the radicals, and aspirants for seats in the United States Senate, are the learned arithmeticians who counted the votes for the constitution and declared it carried. The following table is their production:

"Table of the vote given in Nebraska, June 2d, 1866:

| | CONSTITUTION | | GOVERNOR | |
|---|---|---|---|---|
| | For | Against | Butler, rep. | Morton dem. |
| Burt | 222 | 42 | 125 | 112 |
| Buffalo | 1 | 41 | 10 | 32 |
| Cedar | 12 | 39 | 29 | 31 |
| Cuming | 31 | 41 | 28 | 51 |
| Cass | 233 | 480 | 375 | 377 |
| Dixon | 34 | 36 | 30 | 30 |
| Dakota | 106 | 32 | 87 | 107 |
| Douglas | 491 | 572 | 426 | 645 |
| Dodge | 96 | 45 | 110 | 33 |
| Gage | 96 | 61 | 116 | 89 |
| Hall | 2 | 29 | 10 | 27 |
| Johnson | 108 | 69 | 121 | 76 |
| Jones | 32 | 13 | 50 | 2 |
| Kearney | 21 | 7 | 22 | 28 |
| L'e qui cor | .. | .. | 10 | 1 |
| Lancaster | 95 | 53 | 112 | 53 |
| Lincoln | 30 | 20 | 16 | 36 |
| Merrick | 16 | 8 | 16 | 8 |
| Nemaha | 346 | 489 | 533 | 306 |
| Otoe | 432 | 870 | 462 | 882 |
| Platte | 133 | 55 | 90 | 89 |
| Pawnee | 233 | 32 | 238 | 32 |
| Richardson | 503 | 373 | 487 | 409 |
| Sarpy | 109 | 231 | 106 | 235 |
| Seward | 23 | 24 | 28 | 14 |
| Saline | 5 | 54 | 11 | 59 |
| Washington | 404 | 89 | 283 | 205 |
| Co. A Vol | 62 | 1 | 63 | .. |
| Co. C Vol | .. | .. | 29 | .. |
| Co. F Vol | 42 | 1 | 42 | 1 |
| Co. G Vol | 16 | .. | 5 | 11 |
| Co. K Vol | 14 | 30 | 13 | 29 |
| Total vote | 3938 | 3838 | 4093 | 3948 |
| Majority | 100 | | 145 | |

Scattering, Kearney, 10; Seward, 11. Total, 21.

"A radical board of canvassers thus declared the Democratic State ticket defeated. This declaration is made by refusing to count the votes of 158 *bona fide* citizens of the Rock Bluffs precinct in Cass county, and at the same time counting the soldier vote of men who lived anywhere but in Nebraska. We can illustrate this subject by an analysis of the respective votes given to David Butler, candidate for governor, a very strong leader of radicals in Nebraska, and his opponent, Morton, the Democratic candidate for governor:

Butler's entire vote is ..... 4,093
We deduct from this the soldiers' vote cast for him ..... 152

And his citizens' vote is shown to be just..... 3,941
By throwing out Rock Bluffs vote Butler lost.. 50

Adding that 50 we have exactly ..... 3,991
That is to say, Butler has a citizens' vote of 3,991.
Morton's entire vote is..... 3,948
We deduct from this the soldiers' vote cast for him ..... 41

And his citizens' vote is shown to be just..... 3,907
By throwing out Rock Bluffs, Morton lost 107, add that in ..... 107

And we will find his citizens' vote to be..... 4,014

"That is to say, 4,014 citizens voted for Morton for governor, and that honestly and legally elected him, by a majority of just 23 votes over David Butler.

"Thus the entire Democratic ticket was elected by the legal home vote of the *bona fide* citizens of Nebraska. That ticket was:

"For Governor, J. Sterling Morton.
For Secretary of State, Charles W. Sturges.
For Chief Justice, Wm. A. Little.
For Assistant Justices, Benjamin E. B. Kennedy, Edward W. Thomas.
For Treasurer, St. John Goodrich.
For Auditor, Guy C. Barnum.
For Member of Congress, John R. Brooke.

"The law, so called, submitting the constitution for the State of Nebraska to a vote of the people, declares that if the constitution shall receive 'a majority of the legal votes cast,' it shall be declared adopted.

"The aggregate vote given for the respective candidates for governor is between eight and nine thousand according to the table above. But the entire vote for the constitution is only three thousand nine hundred and thirty-eight, and yet Saunders, Paddock & Co., declare it to have received a majority of the legal votes cast. Less than four thousand is so declared by these gentlemen a majority (or more than one-half,) of more than eight thousand.

"THE NAMES PRESERVED

"E. B. Taylor, superintendent of Indian affairs, editor of The Omaha *Republican*, and author of the radical platform upon which Butler ran, was a prime mover for State and against the policies of President Johnson. He was ably supported in his radicalism by William Kellogg, chief justice; A. S. Paddock, secretary; A. Saunders, governor; E. S. Dundy, associate justice; George Smith, postmaster at Omaha;

H. P. Anderson

ciple as well as by usual practice the house was in duty bound to disregard the technicalities and award the seats to those candidates who had the majority of the fairly cast votes. If the four democrats of Cass county had been seated in the house, on joint ballot for United States senators there would have been a democratic majority of one, at least; and according to the statement of a contemporary republican newspaper that three democrats contributed to the 29 votes for the republican candidates, the democrats would have had 28 votes and the republicans 22.[1]

Cass county had voted overwhelmingly against the state constitution, and this fact no doubt emboldened the members from that county to attempt to palliate the heinous Rock Bluffs offense and thus appease the righteous indignation of a large majority of their constituents by agreeing to adjourn without action, and thus defeat the election of United States senators, which was the sole object of the session. But to the surprise of the other members of the delegation, on the roll call, Chapin and Maxwell smoothly failed to carry out their pledge. When the other members of the delegation discovered the trick they changed their vote and the republican plan was consummated.[2]

But due consideration of prevailing political conditions at this time would preclude the conclusion which has been generally reached,

---

Indian Agents Wheeler, Norris, Furnas, Matthewson, and Land Officers Trumbull, Buck, Waters, and in fact by each and every one of the federal officials in the Territory of Nebraska except, perhaps, three!

"No true friend of the reconstruction policies of President Johnson, having read the veto message of the president in the Colorado case, could or would advocate the adoption of Statehood by Nebraska. But few earnest friends of the Union and conservatism in Nebraska made strenuous efforts for the adoption of the constitution, though politically the word 'white' being prominent in its qualifications for electors, it was palatable to all conservatives. With a few honorable exceptions State was advocated only by debilitated politicians who had, under their commissions from the president, temporary homes in Nebraska, and they were seeking offices for themselves and caring nothing for the people. They were cheats and remain unchanged.

"Electors of Nebraska: We have, in all candor, calmness and honesty detailed to you the history of the last scheme to force a State government upon you, against your will. We have shown you how men who did not reflect your views, succeeded in stealing their way into your Legislature. We have shown you how others were perverted to aid a measure which neither they nor their constituents approved; how the constitution was passed by the Legislature, not as reflecting the wisdom of that body, but as furthering the designs of selfish men; how it was represented to have received the approval of, when in fact it was rejected by, the people. We have shown that the men who did these things, were not content with them, but pursued their game to the end and certified into the Legislature men who were never elected; in violation of the rights not of one precinct only, but of the Territory, and thereby elected two radical senators, whereas conservative men were entitled to that distinction. In the hands of such men nothing is safe; popular elections are futile; popular majority nonentities; their own unbridled will is all in all.

"James G. Megeath, Mathew C. Wilbur, } Senators from Douglas.
Oliver Stevenson, Simeon H. Calhoun, } Senators from Otoe
David Leach.
Senator from Sarpy and Dodge.

Joseph W. Paddock, Phillip O'Hanlon, William Denton, Andrew J. Crichfield, Vincent Burkley, } Members of the House from Douglas.

Albert Tuxbury, James Thorne, Eugene S. Reed, J. R. Graves, Daniel M. Anderson, } Members from Otoe.

James F. Boyd, Member from Buffalo.
E. H. Thomas, Member from Burt.
Russ H. Wilbur, Member from Dakota.
E. A. Baker, Member from Dakota.
Theo. H. Robertson, Member from Sarpy.
James Smith, Member from Sarpy."

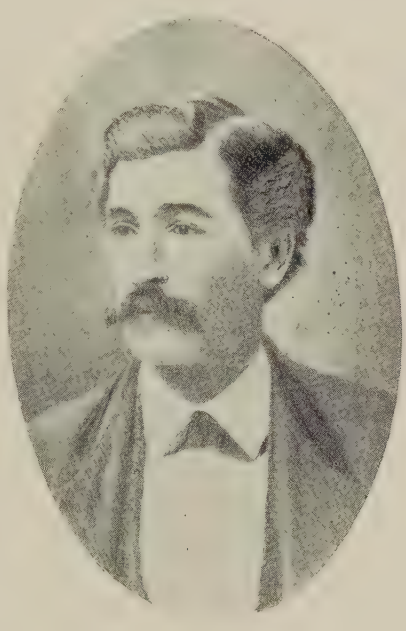
[1] Nebraska *Advertiser*, July 19, 1866.

[2] Mr. Hiram D. Hathaway, who for many years was business manager of the Nebraska State *Journal*, gives the following account of this incident under date of March 28, 1904:

"Hon. Thomas K. Hanna was the state senator-elect from Cass county (he being an avowed democrat, but being favorable to state organization, was elected on the republican ticket). Hon. Samuel Maxwell, Hon. William F. Chapin, Hon. T. R. Bell, and myself were the representatives-elect from Cass county. The sole business of the session was the election of two United States senators. On the morning of the 6th the report was brought to the members from Cass that a resolution of adjournment *sine die* (before having elected United States senators) would be introduced in the senate by the democrats. The partisan line-up was such that the vote of Mr. Hanna would determine the fate of the resolution in the senate, and two of the four votes from Cass in favor of the resolution would give it a majority in the house. The members from Cass held an impromptu caucus and agreed that we would all vote together, either for or against the resolution. After canvassing the situation it was decided unanimously that the delegation from Cass would vote as a unit in favor of the resolution. Under this agreement Mr. Hanna voted in favor of the resolution in the senate, and the reso-

that if the votes of Rock Bluffs precinct had been counted the first two United States senators from Nebraska would have been democrats. It is rather to be presumed that if democratic senators had been chosen the admission of the territory into the Union would have been postponed till a more convenient political season.

By this time the breach between the stalwart republican majority in Congress and Andrew Johnson was complete and beyond repair, and the republicans of Nebraska, in the main, followed the eastern leadership. In October, 1865, Edward B. Taylor, editor of the Omaha *Republican*, but also superintendent of Indian affairs, and who had given strong editorial support to Johnson's policy, retired from the editorship, and he was succeeded by Gen. Harry H. Heath, who continued the pro-Johnson policy. On the 13th of April, 1866, the *Republican*, announces that Saint A. D. Balcombe has bought a half interest in the paper and will be business manager; and in this number the political policy is changed and thenceforward it is the aggressive, thick-and-thin organ of the stalwarts as against Johnson. The *Advertiser* does not find it necessary to change editors, but as soon as the party tide goes against Johnson the editor unresistingly goes with it against Johnson, too.



WILLIAM FRANKLIN CHAPIN[3]

The process of fusion between Johnson republicans and democrats was formally completed in the summer of 1866, though its course was by no means smooth. In the early fall a Johnson club was formed at Dakota City, with Thomas L. Griffey, the well-known democrat, as president. A meeting to form a Johnson club was held at Omaha in July,[1] at which Judge Kellogg presided and James G. Chapman was secretary; but, as a result of a wrangle over the articles or resolutions, the democratic leaders, including Poppleton, Miller, and Woolworth, withdrew, and only eight signed the articles of the club. George Francis Train and Judge William F. Lockwood were elected delegates to the Philadelphia fusion convention which undertook to organize the National Union party. The democrats of the legislature had chosen Morton and Poppleton as delegates, and the Plattsmouth convention, September 11, chose General Harry H. Heath, James R. Porter, and Col. John Patrick. There were three sets of delegates at this convention, one headed by Morton, another by George Francis Train, and a third by Edward B. Taylor.[2] Morton and Gen.

lution was immediately sent to the house, where it was placed upon its passage. When the detail of the vote was read by the clerk it showed that Mr. Maxwell and Mr. Chapin had voted in the negative, and Mr. Bell and myself in the affirmative, thus carrying the affirmative by a single vote. Before the final announcement of the vote I asked and obtained leave to have my name called again, and changed my vote from 'aye' to 'no,' thus leaving the resolution one vote short of the requisite number. My recollection is that the vote of the senate was expunged from the records a short time afterwards."

[1] Omaha *Republican*, July 20, 1866.

[2] Ibid., Sept. 6, 1866, quoting corres. Chicago *Times*.

[3] William Franklin Chapin, son of Milton and Prudence (Patchin) Chapin, was born in Otsego county, N. Y., May 22, 1831. The Chapins emigrated to America from England in colonial days, settling at Springfield, Mass. Milton Chapin was born in Otsego county, became a farmer, and removed to Erie county, Pa., in 1828. In 1857 he emigrated to Portage, Wis., where he lived until 1871, when he settled on Salt creek near Ashland, Neb. He was married in Apr., 1830, to Prudence Patchin, of Canadian-French ancestry, who died in 1842. W. F. Chapin received a common school education, leaving home at the age of eighteen years. He taught school for seven years, in the meantime reading law. In 1857 he settled at Rock Bluffs, Cass county, Neb., and in 1859 married Margaret J. Young, a native of Kentucky, and a daughter of William J. Young, a pioneer of Cass county. The same year Mr. Chapin was admitted to the bar, and in 1860 was elected to the house of the 8th legislature. In the spring of 1861 he engaged in freighting, which he followed until 1864, when he abandoned the

Harry H. Heath were appointed members of the executive committee of the new party. General Heath had succeeded Taylor as editor of the *Republican* and had held that post as lately as February, 1866. For some reason Taylor's loyalty to the office-dispensing power was futile, for on the 6th of the following November his removal from the office of superintendent of Indian affairs was announced, as also that of Col. Robert W. Furnas from his office as agent of the Omaha Indians, Capt. Lewis Lowry, "a copperhead," according to the *Republican,* succeeding him. The *Republican* complained that Tuxbury[1] and Reed, "two of J. Sterling Morton's Vallandighammers, of the most violent kind,"[2] had been appointed as register and receiver of the land office at Nebraska City, the republican incumbents having been removed. But early in the next year the Senate rejected these appointments, as also that of Thomas W. Bedford as register of the land office at Brownville.[3] Charles G. Dorsey was appointed register of the land office at Brownville by President Johnson in 1865. In November, 1866, the president appointed T. W. Bedford, who was a captain in the union army, in Dorsey's place. On the 8th of February the Senate refused to confirm the appointment, but Bedford obtained a writ of replevin from the district court and gained possession of the office and its contents. Public officers are often summarily ousted, but it is seldom that one is summarily injected into office as Captain Bedford was. The Nebraska City *News*,[4] J. Sterling Morton editor, relates how it was done: "Captain Thomas W. Bedford was duly inaugurated as register of the United States land office on Friday, February 15th, 1867. The interesting ceremony was effi-

plains on account of troublesome Indians. In the fall of 1865 he was again elected to the 11th legislature, reelected to the 12th, and chosen speaker of the house. He was also elected as a representative to the 1st, and reelected to the 2d, 3d, and 4th state legislatures, and was chosen speaker, serving in this capacity during the second, third, and fourth sessions. He was elected to the senate of the 5th state legislature, but resigned in May, 1869, to become receiver of the U. S. land office at Lincoln. The following year, while still holding this position, he was elected the first mayor of Lincoln, succeeding the late Charles H. Gere, who, as chairman of the board of trustees, had been at the head of the city government. In 1872 Mr. Chapin was a candidate for the republican nomination for governor, but was defeated by Robert W. Furnas by a single vote. This ended his activity in Nebraska politics. He continued to reside in Lincoln for some time and practiced law until he retired to his farm in Saunders county. Soon after he removed to Grand Island, Neb., where he died, Nov. 14, 1885, and was buried at Greenwood, Neb. Three children are still living: W. F. Chapin, Jr., Westerville, Neb.; Lona C., wife of T. J. Wilburn, Lincoln, Neb.; and Katherine, wife of William F. Wagner, Creston, Neb.

[1] Albert Tuxbury was born in Windsor, Vt., Aug. 31, 1810; died in Nebraska, Oct. 8, 1882. He was a descendant of an old English family, the name being changed by his father, Ishmael Tewksbury, for the sake of brevity, though other members of the family retain the original spelling. Albert Tuxbury was a son of Ishmael and Huldah (Bemis) Tuxbury, the former, born in Massachusetts, Mar. 12, 1782, died in New Hampshire, June, 1867; the latter, born in Massachusetts, Dec. 24, 1785, of English parents, died Jan. 13, 1870. He was educated in the public schools of Vermont and the Kimball-Union academy at Meriden, N. H. When he was seventeen years of age he started out to make his way through the world. He first found employment with the B. & C. R. R. Co., and after a short term of service gave up his position, and until 1837 was engaged in various occupations. He then became a hotel manager and for some years conducted hotels in Vermont and New Hampshire. In 1854 he started westward, stopping at Rock Island, Ill., until 1860, and in April of that year pushing onward to Nebraska City, Neb., where he engaged in the hotel business. In 1864 he bought a farm in Otoe county, and with the exception of the year 1868, spent in Omaha, he resided there until 1875, and afterward, until his death, he made his home with his daughter and son-in-law, Mr. and Mrs. Edmund E. Woolsey, at Wyoming, Neb. From 1866 to 1869 Mr. Tuxbury was the receiver of the U. S. land office at Nebraska City, and soon after was nominated by acclamation for governor of Nebraska on the democratic ticket; but while he received a large vote the preponderance of the republican voters in the state caused his defeat. He was mayor of Nebraska City for three terms. He was active in all affairs of his home city and county, was a man of extraordinary character, and of a kind and genial disposition, and was universally esteemed by his wide circle of acquaintances. He was prominent in Masonic circles, being a member of the Royal Arch and Knights Templar degrees, and he held various offices in the lodges of the order. He was married Apr. 17, 1837, to Harriet Maria Gallup, daughter of Thomas and Sarah (Cutler) Gallup of Plainfield, N. H. She was born Nov. 14, 1808, and died Oct. 20, 1875. In 1879 Mr. Tuxbury was again married, taking for his second wife Mrs. Elizabeth Castleman Duffield of Nebraska City, Neb., who died Mar. 29, 1880. His first wife was the mother of his four children, namely: Helen Maria, wife of Edmund E. Woolsey of Wyoming, Neb., born Apr. 15, 1838; Mary Ellen, born Nov. 6, 1839, died Sept. 6, 1849; Harriet Augusta, born June 9, 1841, became the wife of Edward P. Sabin of Nebraska City, and died Mar. 26, 1872; and Fredric Albert, born Nov. 23, 1843, died Mar. 7, 1864.

[2] Oct. 5, 1866.

[3] *Advertiser*, Feb. 14, 1867.

[4] Feb. 18, 1867.

ciently conducted by Deputy U. S. Marshal Dwight. Mr. Dorsey retired with ineffable grace, and his valedictory remarks are said to be quite moving. The predictions of the *News*, so far as Dorsey's exit was concerned, have been verified. When Andrew Johnson concludes to appoint land officers in Nebraska he seems to pay but little regard to the personal comfort or courage of Mr. Dorsey." A short time before this Bedford attempted to gain possession of the books of his office from the old incumbent by means of a writ of replevin issued by Henry C. Lett, the well-known democrat, and then mayor of Brownville. But the nerve of the deputy sheriff who undertook to serve the writ deserted him, and the scheme failed. After having been thrown out of the United States senatorship—which he had fairly won—by the "state" legislature at the first session in July, Morton proposed in the *News* the following course: "The questions for the Nebraska democracy to consider in relation to this matter are of vital importance. Shall we not put upon our tickets this next October election the words: 'For an enabling act and a constitutional convention. Against Thayer and Tipton. Repudiation of the Butler oligarchy'?"[1]

The "union" territorial convention was held at Brownville on the 6th of September,[2] and

[1] Omaha *Republican*, July 27, 1866.

[2] UNION REPUBLICAN TERRITORIAL CONVENTION OF 1866

"Following is the official report of the Union Republican territorial convention held at Brownville, Nebraska, September 6, 1866:

"Convention met pursuant to call of the union territorial central committee at Brownville, N. T.

"John H. Sahler of Douglas was called to the chair for the purpose of temporary organization; D. H. Pattison of Richardson county, secretary. On motion, Daniel H. Wheeler, Orsamus H. Irish, Jesse T. Davis, Saint A. D. Balcombe, John A. Burbank, were appointed a committee of five on credentials. On motion, Messrs. Majors of Nemaha, Rockwell of Burt, Harding of Otoe, Rogers of Dodge and Pottenger of Cass, were appointed a committee on permanent organization.

"Pending the report of the committee on credentials the convention was ably addressed by Mr. James Sweet of Nebraska City, Mr. Isham Reavis of Richardson county and Mr. George Vandeventer of Aspinwall. On motion of Moses H. Sydenham the editors and reporters of the press of Nebraska were invited to take seats inside the bar of the convention. On motion of Mr. Sydenham of Kearney, it was resolved that Senators Harlan and Grimes of Iowa be respectfully invited to address the citizens of Nebraska territory during the coming campaign.

"Committee on credentials reported the following names as members of the convention: Richardson county, (8) Elmer S. Dundy, Charles F. Walthers, Ebenezer E. Cunningham, Benjamin F. Ferguson, John A. Burbank, Andrew J. Currence, Levanter W. Patterson, George Gird; Nemaha county, (9), George Vandeventer, Theodore Hill, E. K. Caldwell, Arcliff K. Farnham, William G. Glasgow, George F. Bixby, Thomas J. Majors, John L. Carson, John F. Neal; Otoe county, (8) Frederick Renner, Orsamus H. Irish, Oliver P. Mason, Volney C. Utley, Amos J. Harding, Timothy D. Crook, Lawson Cook, Charles H. Cowles; Cass county, (6) Daniel H. Wheeler, Hiram D. Hathaway, alternate for Benjamin Austin, Willett Pottenger, Daniel H. Wheeler, proxy for Dr. Robert R. Livingston and Samuel Maxwell, Frederick M. Dorrington, proxy for Eugene L. Reed; Dodge county, (2) Eliphus H. Rogers self and proxy for Christopher Knoell; Douglas county, (7) John Taffe, William N. McCandlish, Samuel D. Beals, John H. Sahler, Robert S. Knox, alternate for William Baumer, James Fox, alternate for Daniel S. Parmalee, Saint A. D. Balcombe, alternate for Lane A. Walker; Washington county, (4) Dr. Luther J. Abbott, Henry Kellogg, John S. Bowen, Jesse T. Davis; Burt county, (2) Austin Rockwell, William W. Washburn; Dakota county, (2) Nathan S. Porter self, and proxy for Samuel Whitehorn; Dixon county (1) Nathan S. Porter; Dixon and Cedar, (1) Nathan S. Porter; Sarpy county, (2) Gen. John M. Thayer, proxy for Henry T. Clarke and James Gow; Saunders and Butler, (1) Hiram D. Hathaway, proxy for L. L. Holbrook; Lancaster county, (2) John Cadman, self, and proxy for John Hardenbergh; Johnson county, (2) George P. Tucker, Isaac C. Lawrence; Gage county, (2) John I. Scribner and William Blakely; Platte county, (2) Leander Gerrard, self and proxy for Charles H. Whaley; Buffalo, Kearney and Lincoln, (1) Moses H. Sydenham; total 62.

"On motion the report was received and adopted, and committee discharged. On motion convention adjourned till two o'clock.

"The following patriotic dispatch was received during the temporary organization:

"'Nebraska City, Sept. 6th.

"'To Hon. J. H. Sahler, Brownville:—

"'Make constitutional amendment the platform; put men upon it that hate 'Andy' and treason alike, and love congress and their country; and God. The people and victory will be on our side. I leave home this morning.

"'JOHN I. REDICK.'

"Convention Hall, 2 o'clock.

"Mr. Dundy presented credentials of delegates from Pawnee county, and moved that the delegates present cast the whole vote of that county. Carried. Messrs. Mumford and Butler appeared for Pawnee county. On motion of Daniel H. Wheeler Major Majors was authorized to cast the vote of John F. Neal, of Nemaha, absent.

"Committee on permanent organization reported for president, Hon. Oliver P. Mason, of Otoe; vice-president, Jesse T. Davis, of Washington; secretaries, Daniel H. Wheeler, of Cass, and John T. Patterson of Richardson. Mr. Dundy moved that the 'fighting parson,' Rev. John M. Chivington, open the convention with prayer. Carried, and Reverend Chivington acceded to the request.

"Mr. Gerrard moved that a committee of nine be appointed on resolutions. Carried. Chair ap-

Reavis.[1] Oliver P. Mason received twelve votes on the informal ballot, and his name was then withdrawn. On the fifth formal ballot John Taffe of Douglas county was nominated, receiving 33 votes against 32 cast for McCann. The committee on resolutions, consisting of John M. Thayer, Amos J. Harding, George Vandeventer, Ebenezer E. Cunningham,[2] Hiram D. Hathaway, Leander Gerrard, John Taffe, Nathan S. Porter, and William W. Washburn, reported a platform consisting of the proposed 14th amendment to the Constitution of the United States with the following in addition:

"Resolved, That loyalty shall direct and control the destinies of this nation.

"Resolved, That the soldiers of the union who have saved this nation from destruction by armed traitors, shall, in the future, as in the past, have our hearty co-operation and unfaltering support, and that we are deeply sensible to the fact that the people of this republic can never fully discharge the debt of gratitude which they owe to the union soldiers and sailors whose self-sacrificing patriotism and blood have preserved constitutional liberty upon this continent."[3]

Mr. Taffe in accepting the nomination declared that he was unswervingly opposed to the Johnson policy. Turner M. Marquett was nominated for delegate to Congress on the first ballot, receiving 39 votes against 25 for Oliver P. Mason and 1 for John Taffe. Mr. Marquett had been chosen member of Congress at the provisional state election held in June, but President Johnson had in the meantime refused to approve the bill for the admission of the territory as a state, passed in July. While, therefore, the delegateship was intrinsically the lesser, yet it seemed at this time the surer of the two offices; and for Marquett the change might be a reduction or a promotion according to one's political forecast. John Gillespie and Augustus Kountze were again nominated by acclama-

herding, made his escape across the Missouri river into Iowa. He was captured at Plum Hollow the following day, and returned to Nebraska City, where a crowd of two thousand people assembled to demand the punishment of the accused. Diercks was given a trial before a jury composed of prominent citizens, who brought in a verdict of wilful murder against him and recommended that his two accomplices, Sebastian Deitch and R. P. Ford, be tried before the district court. Diercks was given until six o'clock in the evening to prepare for death. A scaffold was erected on the court house square, and at the appointed hour he was executed, protesting his innocence of the crime charged.

[1] Isham Reavis was born in Morgan (now Cass) county, Ill., Jan. 28, 1836, both his parents belonging to old southern families, his father a native of North Carolina, and his mother a native of Virginia though reared in Kentucky. Judge Reavis attended the common schools near his pioneer country home, and subsequently was a student in Virginia academy and Illinois college, Jacksonville, Ill., but he was prevented from completing his college course on account of the death of his mother. In Aug., 1855, he entered a law office at Beardstown, Ill., and began the reading of law, continuing his legal studies until 1858. After being admitted to the bar by the Illinois supreme court he immediately came to Nebraska, and located at Falls City, where he commenced to practice and where he has since lived. In 1867 he was appointed district attorney for the 1st judicial district, Nebraska having been just admitted to the Union as a state, and served for two years. At the election of 1868 he was elected a member of the senate of the 1st state legislature. In 1869 he was appointed by President Grant associate justice of the supreme court for the territory of Arizona, serving in this office nearly four years, and resigning in 1873 to resume the practice of law at his home in Nebraska. Since then Judge Reavis has given his exclusive attention to his law practice, in which he has won merited success. He was married in 1864 to Miss Annie M. Dorington, and has four children living, namely: Annie M., wife of T. J. Gist of Falls City, David D., C. Frank, and Burton.

[2] Ebenezer Erskine Cunningham, son of William Finley and Sarah Ann (Wilson) Cunningham, was born near Palmyra, Mo., Apr. 6, 1839. He received a common school education, with two terms at the Presbyterian college, West Point, Ia. He prospected for gold in the Colorado mountains in 1860–61, and then returned to Nebraska. He enlisted in Co. C, 2d Neb. Cav., in the fall of 1862, and was mustered out as 2d duty sergeant in the fall of 1863. In the summer of 1864 he enlisted in Co. K, 48th Mo. Inf., and was mustered out at St. Louis, Jan. 31, 1865, as 1st lieutenant. In 1865 he declined a nomination for the legislature, and opposed the new state constitution because it restricted the elective franchise to "whites." In 1868 he was elected to the state senate, and in 1869 moved to Falls City, purchased an interest in the Nemaha Valley *Journal*, and became its editor. In 1870 he was reelected to the state senate, was chosen president of that body, presided at the impeachment trial of Governor Butler, and actively supported P. W. Hitchcock for U. S. senator. In 1871 he resigned as senator, and was appointed U. S. surveyor general for Nebraska, serving until 1876, when he resigned. He was chosen republican national committeeman for Nebraska in 1872. He was active at all Republican conventions from 1868 till 1877, and during all these years was an intimate and trusted friend of the late Judge Dundy. In 1877 he left Nebraska, and spent thirteen years in South Dakota, Idaho, Old Mexico, and California, in search of precious metals, and now lives at South San Francisco, Cal.

[3] The Nebraska *Advertiser*, Sept. 13, 1866.

Isham Reavis

John Nelson Cassell

Oliver P. Mason was chosen president and Daniel H. Wheeler of Cass county and John T. Patterson of Richardson county secretaries.

pointed Messrs. John M. Thayer, Amos J. Harding, George Vandeventer, Ebenezer E. Cunningham, Hiram D. Hathaway, Leander Gerrard, John Taffe, Nathan S. Porter, and William W. Washburn.

"Mr. Renner moved that the vote of the convention be by ballot, the chairman of each delegation to hand in the vote of such delegation. Carried. Yeas, 43, nays 13. Messrs. Renner and Sydenham were appointed tellers. Mr. Sahler moved that the convention first nominate a candidate for member of the 40th congress, next a candidate for territorial delegate in congress, and then candidates for the territorial offices. Carried. Yeas 27, nays 4.

"Gen. Thayer, chairman of the committee on resolutions, appeared and submitted the following:

"'We the union party of Nebraska in convention assembled hereby unqualifiedly indorse and adopt the constitutional amendment passed by the 39th congress, and submitted for ratification to the several states of the union.' (Here followed the 14th amendment to the constitution). Following is the remainder of the platform:

"'Resolved, That loyalty shall direct and control the destinies of this nation.

"'Resolved, That the soldiers of the union who have saved this nation from destruction by armed traitors, shall, in the future, as in the past, have our hearty co-operation and unfaltering support, and that we are deeply sensible to the fact that the people of this republic can never fully discharge the debt of gratitude which they owe to the union soldiers and sailors whose self-sacrificing patriotism and blood have preserved constitutional liberty upon this continent.'

"Mr. Sahler moved the report be adopted. Carried. On motion of Mr. Hathaway, Gen. John M. Thayer, Hon. Thomas W. Tipton, and Colonels Robert R. Livingston, William Baumer, and Majors Taffe and Armstrong be requested to attend the soldiers and sailors convention at Pittsburg.

"The convention then proceeded to ballot for candidate for member of the 40th congress:

"Informal Ballot—Dwight J. McCann, 12; Alvin Saunders, 14; John Taffe, 5; Oliver P. Mason, 12; Isham Reavis, 14; James Sweet, 2; Samuel Maxwell, 8; total, 67.

"First Regular Ballot—Dwight J. McCann, 14; Alvin Saunders, 14; John Taffe, 24; Isham Reavis, 11; John I. Redick, 4; total, 67.

"2nd.—McCann, 15; Saunders, 19; Taffe, 24; Reavis, 9; total, 67.

"3rd,—McCann, 23; Saunders, 13; Taffe, 29; total, 65.

"4th,—McCann, 26; Saunders, 8; Taffe, 33; total, 67.

"5th,—McCann. 32; Taffe, 33; total, 65.

"On motion of Judge Dundy the nomination of John Taffe, as candidate of the union party of Nebraska for member of the 40th congress, was made unanimous. Maj. Taffe then appeared and declared his position as square upon the platform of the party and unswervingly opposed to 'my policy.' Mr. McCann then thanked the convention for the flattering vote given him, and pledged his support to the candidate and party with all the energy that in him lay.

"Nominations for delegate in congress then being in order, the following gentlemen were nominated, and the first resulted as follows:

The principal candidates for nomination for member of Congress were Dwight J. McCann,[1] Alvin Saunders, John Taffe, and Isham

"Turner M. Marquett, 39; Oliver P. Mason, 25; John Taffe, 1; total, 65.

"Mr. Irish moved that the nomination be declared unanimous. Carried. Mr. Marquett then appeared and defined his position, true and unflinching, on the union platform just adopted. Mr. John Gillespie was nominated by acclamation as the candidate of the union party for territorial auditor. Mr. Irish then moved that Augustus Kountze be nominated by acclamation for territorial treasurer. Carried. Mr. Sahler nominated Robert S. Knox for territorial librarian. Mr. Irish moved to make the nomination by acclamation. Carried.

"Mr. Gerrard offered the following:

"'Resolved, That we extend to the convention of southern unionists now in session at Philadelphia our cordial greetings.'

"Resolution adopted, and president and secretary ordered to certify thereto and send by telegraph to Philadelphia.

"Mr. Balcombe moved that a committee of one from each Council district be appointed to select names for a territorial and state central committee. Carried.

"The following is the territorial union committee selected by the convention: Douglas, John H. Sahler, and Saint A. D. Balcombe; Cass, Daniel H. Wheeler; Platte, etc., John E. Kelly; Dakota, etc., Nathan S. Porter; Otoe, Oliver P. Mason and Orsamus H. Irish; Sarpy, etc., Eliphus H. Rogers; Washington etc., Jesse T. Davis; Nemaha, John L. Carson; Lancaster, etc., John Cadman; Pawnee, etc., Robert H. Presson; Richardson, Elmer S. Dundy.

"On motion, convention adjourned sine die.

"O. P. Mason, President.

"D. H. Wheeler, Secretary."

—(Nebraska *Advertiser*, Sept. 13, 1866.)

[1] Dwight J. McCann was born in Erie county, Pa., Mar. 3, 1827. At the age of fourteen he entered Erie academy, where he spent seven years. In 1849 he became principal of the Marshall school in New Orleans; then began the study of medicine in the University of Louisiana. Sept. 15, 1853, he married Maria Metcalf, daughter of Horace Metcalf of Charlestown, N. H., and soon after engaged in business in Philadelphia. In 1858 he entered the banking business at Nebraska City. He organized the Nebraska City National bank, chartered in 1871, of which he was president and for which he erected a building on the corner of 6th and Main streets. He was engaged in the freighting business, from 1871 to 1873 inclusive, with John F. Coad. He represented Otoe county in the constitutional convention of 1871. He was a member of the Presbyterian church and active in the promotion of the cause of education, and was president of the Otoe university, organized in 1857 and successfully conducted for a number of years. In 1865 he purchased the Nebraska *Press* and organized the Press Printing Co., but retained an interest in it only a short time. Mr. McCann was formally chosen president of the assemblage that gathered in the public square at Nebraska City, Aug. 16, 1866, to discuss the crime and decide the fate of one Casper Frederick Diercks, charged with the murder of William Henry Hamilton, a boy eleven years old, living three miles southwest of Nebraska City. The crime was committed Aug. 15, and the murderer, after disposing of a drove of cattle that the boy was

Reavis.[1] Oliver P. Mason received twelve votes on the informal ballot, and his name was then withdrawn. On the fifth formal ballot John Taffe of Douglas county was nominated, receiving 33 votes against 32 cast for McCann. The committee on resolutions, consisting of John M. Thayer, Amos J. Harding, George Vandeventer, Ebenezer E. Cunningham,[2] Hiram D. Hathaway, Leander Gerrard, John Taffe, Nathan S. Porter, and William W. Washburn, reported a platform consisting of the proposed 14th amendment to the Constitution of the United States with the following in addition:

"Resolved, That loyalty shall direct and control the destinies of this nation.

"Resolved, That the soldiers of the union who have saved this nation from destruction by armed traitors, shall, in the future, as in the past, have our hearty co-operation and unfaltering support, and that we are deeply sensible to the fact that the people of this republic can never fully discharge the debt of gratitude which they owe to the union soldiers and sailors whose self-sacrificing patriotism and blood have preserved constitutional liberty upon this continent."[3]

Mr. Taffe in accepting the nomination declared that he was unswervingly opposed to the Johnson policy. Turner M. Marquett was nominated for delegate to Congress on the first ballot, receiving 39 votes against 25 for Oliver P. Mason and 1 for John Taffe. Mr. Marquett had been chosen member of Congress at the provisional state election held in June, but President Johnson had in the meantime refused to approve the bill for the admission of the territory as a state, passed in July. While, therefore, the delegateship was intrinsically the lesser, yet it seemed at this time the surer of the two offices; and for Marquett the change might be a reduction or a promotion according to one's political forecast. John Gillespie and Augustus Kountze were again nominated by acclama-

herding, made his escape across the Missouri river into Iowa. He was captured at Plum Hollow the following day, and returned to Nebraska City, where a crowd of two thousand people assembled to demand the punishment of the accused. Diercks was given a trial before a jury composed of prominent citizens, who brought in a verdict of wilful murder against him and recommended that his two accomplices, Sebastian Deitch and R. P. Ford, be tried before the district court. Diercks was given until six o'clock in the evening to prepare for death. A scaffold was erected on the court house square, and at the appointed hour he was executed, protesting his innocence of the crime charged.

[1] Isham Reavis was born in Morgan (now Cass) county, Ill., Jan. 28, 1836, both his parents belonging to old southern families, his father a native of North Carolina, and his mother a native of Virginia though reared in Kentucky. Judge Reavis attended the common schools near his pioneer country home, and subsequently was a student in Virginia academy and Illinois college, Jacksonville, Ill., but he was prevented from completing his college course on account of the death of his mother. In Aug., 1855, he entered a law office at Beardstown, Ill., and began the reading of law, continuing his legal studies until 1858. After being admitted to the bar by the Illinois supreme court he immediately came to Nebraska, and located at Falls City, where he commenced to practice and where he has since lived. In 1867 he was appointed district attorney for the 1st judicial district, Nebraska having been just admitted to the Union as a state, and served for two years. At the election of 1868 he was elected a member of the senate of the 1st state legislature. In 1869 he was appointed by President Grant associate justice of the supreme court for the territory of Arizona, serving in this office nearly four years, and resigning in 1873 to resume the practice of law at his home in Nebraska. Since then Judge Reavis has given his exclusive attention to his law practice, in which he has won merited success. He was married in 1864 to Miss Annie M. Dorington, and has four children living, namely: Annie M., wife of T. J. Gist of Falls City, David D., C. Frank, and Burton.

[2] Ebenezer Erskine Cunningham, son of William Finley and Sarah Ann (Wilson) Cunningham, was born near Palmyra, Mo., Apr. 6, 1839. He received a common school education, with two terms at the Presbyterian college, West Point, Ia. He prospected for gold in the Colorado mountains in 1860–61, and then returned to Nebraska. He enlisted in Co. C, 2d Neb. Cav., in the fall of 1862, and was mustered out as 2d duty sergeant in the fall of 1863. In the summer of 1864 he enlisted in Co. K, 48th Mo. Inf., and was mustered out at St. Louis, Jan. 31, 1865, as 1st lieutenant. In 1865 he declined a nomination for the legislature, and opposed the new state constitution because it restricted the elective franchise to "whites." In 1868 he was elected to the state senate, and in 1869 moved to Falls City, purchased an interest in the Nemaha Valley *Journal*, and became its editor. In 1870 he was reelected to the state senate, was chosen president of that body, presided at the impeachment trial of Governor Butler, and actively supported P. W. Hitchcock for U. S. senator. In 1871 he resigned as senator, and was appointed U. S. surveyor general for Nebraska, serving until 1876, when he resigned. He was chosen republican national committeeman for Nebraska in 1872. He was active at all Republican conventions from 1868 till 1877, and during all these years was an intimate and trusted friend of the late Judge Dundy. In 1877 he left Nebraska, and spent thirteen years in South Dakota, Idaho, Old Mexico, and California, in search of precious metals, and now lives at South San Francisco, Cal.

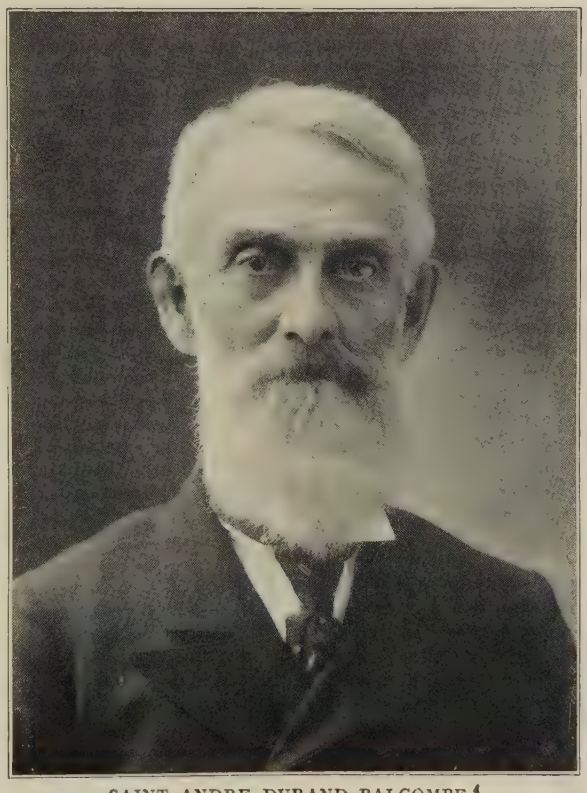
[3] The Nebraska *Advertiser*, Sept. 13, 1866.

Isham Reavis

tion for the offices of auditor and treasurer respectively, and Robert S. Knox for librarian, also by acclamation.

The call for the Democratic territorial convention to be held at Plattsmouth, on the 11th of September, invited all to participate "who favored the reconstruction policy of the president and complete restoration of the states to their rightful position in the union at the earliest practicable moment, and are opposed to the disunion policy of Congress."

The Philadelphia National Union convention had endorsed or accepted the results of the war, but, while denying the right of any state to withdraw, also denied the right of any state or convention of states to exclude any state or states from the union. The Omaha *Herald*[1] expressed its readiness to unite with all men who agreed with the Philadelphia declarations, and was anxious to realize the best practical results through the coming Plattsmouth convention. The democrats were thus only a little less cosmopolitan and comprehensive in their call than the republicans were in the enlarged name of their party. And so the *Republican*[2] facetiously analyzes the Plattsmouth "national union" convention as composed of seven office-holders, three office-seekers, three democrats who "don't like Tipton, and two in the wrong boat."



SAINT ANDRE DURAND BALCOMBE[4]
Pioneer Editor of Omaha

The democrats and Johnson republicans had simultaneous, but separate conventions, the first held upstairs and the second downstairs, in the same building—and their mode of procedure exactly anticipated that of the fusion parties of Nebraska at the present time. Dr. Andrew S. Holladay, postmaster of Brownville, presided over the Johnson convention and Theodore H. Robertson over the Democratic convention. We are told that Judge Lockwood appeared in the Democratic convention and reported that the "conservative" or Johnson convention "accepted implicitly the resolutions of this (democratic) convention, and would heartily endorse its action and nominations."[3] The democrats nominated J. Sterling Morton for delegate to Congress, Frank Murphy for auditor, and Andrew

[1] Sept. 7, 1866.
[2] Sept. 21.
[3] Nebraska *Advertiser*, Sept. 20, 1866.
[4] Saint Andre Durand Balcombe was born in Utica, Oneida county, N. Y., June 12, 1839, and died in Omaha, Neb., May 6, 1904. His father was John L. Balcombe, a native of Attleborough, Bristol county, Mass., where his ancestors had lived for several generations. During the period of Saint A. D. Balcombe's minority his father lived in several states, but finally settled in Minnesota, where he died in 1856 at the age of fifty-one years. Saint A. D. lived with his father's family until he attained the age of sixteen years, serving as a clerk for his father, who was postmaster at Battle Creek, Mich., from 1841 until 1845. During these years he attended school for a few terms in the winters, but acquired the groundwork of his education by nights spent in the study of his books after the completion of his day's work. His father was an invalid, in adverse circumstances, and unable to afford a classical education for his son. In 1845 he entered the drug store of Dr. Gill at Battle Creek, Mich., and continued under different employers in that business until 1849, when, having acquired a knowledge of pharmacy, he went to Elgin, Ill., and embarked in business for himself in that line. At the end of three years he moved to Minnesota, engaging in business at Winona, where he remained until he was appointed, in 1861, to the position of agent for the Winnebago Indians. In 1865 he removed to Omaha, and in the following year he purchased the Omaha *Republican* and con-

Dellone for treasurer. The Johnson convention nominated Algernon S. Paddock for member of Congress and Robert C. Jordan for librarian. Both conventions—or wings of a convention—endorsed the resolutions and address of the Philadelphia convention.[1]

The Plattsmouth *Democrat* censured the leaders—Morton, Miller, Poppleton, and Woolworth—for bad tactics, insisting that James R. Porter of Cass county should have been nominated instead of Mr. Morton. The opposition organ[2] styled the distinguished democratic leader as, "J. Sterling Morton, the worst copperhead and rebel Nebraska affords," alleged that Colonel Patrick wanted a mild union democrat like James R. Porter, but Morton, Miller, Woolworth, and Poppleton beat him and forced Morton on the ticket.[3] Even the suavity and all-embracing friendliness of Secretary Paddock's deportment failed to stay the poisoned shafts of the "loyal" party organs. The *Republican* charges that,

"He has deserted the republican party in the time of its most severe trial, in its efforts to restore this union upon a firm basis, and allowed himself to be used as the standard-bearer of the copperhead and rebel party. He was a professed republican a few weeks since, and rested his claims to the highest office within the gift of our people with a radical legislature upon radical assurances. He was beaten. He went with unseemly haste to Washington and secured his reappointment to the secretaryship of the territory, by far the most valuable office within it. Immediately upon his return he heads a movement with the expressed intention of disorganizing his old party; and today he is a nominee on the same ticket with J. Sterling Morton, a bitter, uncompromising Vallandigham democrat."[4]

But if the *Republican's* pen was dipped in bitterness the *Herald's* was a fountain of gall, and even its defense was aggressive attack. As a sample Roland for an anti-Paddock Oliver the *Herald*[5] notes that George B. Lake, "renegade democrat and African equalizer," tries to read Paddock out of the Republican party. Attacking Thayer's vanity it says, "For weeks he has been so busy bragging himself into consequence that his activity has been tremendous."

tinued as its editor and proprietor until Jan., 1871, when Waldo M. Potter purchased a half interest in the paper and assumed editorial control. In June of the same year the paper was consolidated with the *Tribune*, owned by a stock company, Mr. Balcombe owning over one-third of the shares. He was made general manager of the reorganized enterprise, in which capacity he continued until he sold his interest in 1876. In politics Mr. Balcombe was a republican. He was elected as a republican member of the council in the territorial legislature of Minnesota in 1855, and two years later was elected by the legislature of that state as a regent of the University of Minnesota. He was a member of the house of representatives of the first session of the 1st Minnesota state legislature in 1857. He was elected a republican member of the constitutional convention of that state in 1857 and was its president. In Mar., 1861, he was appointed by President Lincoln agent for the Winnebago Indians in Minnesota, and reappointed from the territory of Dakota by President Lincoln in Mar., 1865, but was removed by President Johnson in November of that year for refusing to swear by the "accidental" president. In 1878 he was appointed deputy collector of internal revenue for the district of Nebraska, which position he held for two years. He served six years as a member of the board of public works of Omaha, three of which he was its chairman. His first appointment to that board was in 1887 and his second in 1892. While residing at Elgin, Ill., Mr. Balcombe was married to Ann E. Fox, Apr. 24, 1851. Five children were born to them: Urban B.; Lesbia, the wife of Lewis S. Reed; Celma, now Mrs. William B. Meikle; Mora, wife of Charles Maiple; and Maybel. All are residents of Omaha (1904).

[1] The Omaha *Republican* (Sept. 21, 1866) says that only sixteen out of fifty-two apportioned delegates attended the national union territorial convention which was held at Plattsmouth, September 10 and 11, 1866. The *Republican* which remained stalwart, that is, a supporter of the congressional policy as against the policy of President Andrew Johnson, reported that this convention was largely made up of Johnsonized republican office-holders. The *Republican* reported the following delegates in attendance:

"Douglas county, George R. Smith (postmaster of Omaha), Edward B. Taylor, C. A. Downey, Martin Dunham; Cass county, John W. Marshall (postmaster), Neal J. Sharp, Eugene P. Bernardan, Robert G. Doom; Nemaha county, Sewell R. Jamison (receiver of land office), Evan Worthing; Platte county, John P. Becker (Indian agent); Washington county, William H. B. Stout ('wants Omaha Indian agency'); Dodge and Sarpy counties, Henry C. Campbell (deputy U. S. Marshal); Dodge county, Robert Kittle; Burt, Dakota, etc., William F. Lockwood. Dr. Andrew S. Holladay of Nemaha county was president of this convention.

[2] Omaha *Republican*, Sept. 21, 1866.

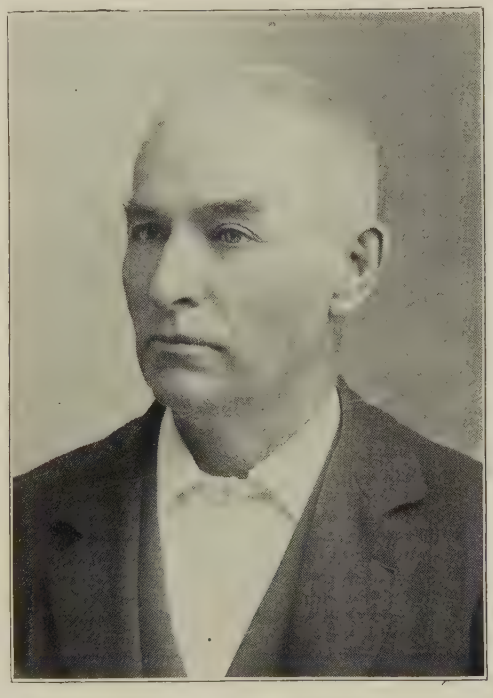
[3] James G. Megeath remembers to the present day that he himself desired the nomination for candidate for both delegate and regular member of Congress, and that if he should not be chosen then he wanted Morton to withdraw from the field and let Stephen F. Nuckolls run because he had $10,000 to put into the campaign, but Morton insisted that no South Platte man but himself should be nominated.

[4] Omaha *Republican*, Sept. 21, 1866.

[5] Oct. 5, 1866.

George Francis Train entered the canvass as an independent candidate for delegate, and a list of names of thirty-one Irishmen urging him to remain in the contest was published. They favored him because he had "advocated so long the cause of Irish nationality."[1] The remark that "Mr. Train has already done and is now doing more for the future advancement of Nebraska than any other man, or set of men, has done for it since it was organized as a territory,"[2] might be taken to lend color to a previous averment that the "program of Morton and Miller is Morton and Train for United States senators;"[3] and a later one that "Train found that, after being encouraged by Miller, et al., he was set aside for Morton, but he anticipated them by becoming an independent candidate."[4] However, the *Herald's* puff was limited to Pacific railway purposes. While this most picturesque personage was very effective in his peculiar rôle, no one would have taken seriously a proposal to play him in an important political part, and if Morton and Miller put him aside once they doubtless did it twice; for he was probably embarrassing Morton's canvass, and so in a characteristic letter he withdrew from the contest. "When men," he says, "emancipate themselves from party, when voters regain their independence, when the people of Nebraska are more anxious to have me for their representative than I am to represent them, when an election can be carried without purchase, perhaps I may enter the field again."[5]

We have another example of the humor of this remarkable campaign in the *Herald's* illustration of the anxiety of Kountze to be elected treasurer: "We never saw Kountze before when he could speak more than two languages. Yesterday we heard him using not less than six, including Danish, and he spoke each with equal fluency. Augustus is always very busy when there is anything pecuniary in sight." This second campaign of 1866, considering both the number and ability of those engaged in it and the aggressiveness with which it was fought, had not been equaled by any political canvass of the territory. The formidable array of old war-horses Miller, Morton, Poppleton, and Woolworth—old relatively speaking only, for they were really colts of thirty-five years or under—were reinforced by Paddock and



ISAAC S. HASCALL[6]
Pioneer Lawyer and Legislator

[1] Omaha *Republican*, Oct. 5, 1866.

[2] Omaha *Herald*, quoted in the Omaha *Republican*, Sept. 21, 1866.

[3] Omaha *Republican*, May 18, 1866.

[4] Ibid., Sept. 21.

[5] Omaha *Herald*, Oct. 12, 1866.

[6] Isaac S. Hascall, pioneer, Omaha, Neb., was born in Erie county, N. Y., Mar. 8, 1831. His paternal ancestors emigrated from Wales and settled in Pennsylvania in an early day. His grandfather was a Baptist minister and his father, a lawyer by profession, was a prominent citizen of Erie county, Pa., and held many local offices of importance. He was a member of the board of supervisors for Erie county seventeen successive years. Mr. Hascall received his early education in his native county, and later read law with Hon. L. Morris of Maysville, N. Y., and was admitted to practice in all the courts of the state. In 1854 he went to Kansas, and in the spring of the following year arrived in Nebraska. In the fall of 1855 he was engaged with an expedition in surveying township lines between the Little Nemaha and Nebraska City, Neb., but in the winter returned to Kansas, and engaged in the practice of law at Atchison, in partnership with J. T. Hereford. This partnership continued for four years, with the exception of a few months spent in Missouri. While a resident of Atchison he was elected a member of

Lockwood, with Judge Kellogg, an astute politician, in the background. Woolworth made speeches in this campaign, but refused to become a candidate for state senator.

Marquett, Mason, Taffe, Thayer, and Tipton were the most conspicuous republican orators, and they were ably reinforced by Orsamus H. Irish of Otoe and Isham Reavis of Richardson county, while Dundy "The Cautious," but of the longest head, kept more in the background, and his productive cunning in this instance presently brought him the appointment to the federal district bench by President Johnson and confirmation by the clashing Senate.[1] Other able, and perhaps fitter, but certainly less astute aspirants were dashed against either this Scylla or that Charybdis. With the exception of course of George Francis Train's speeches, the inevitable joint discussion between Marquett and Morton—for a forensic duel was always insisted upon when Morton was candidate—was the striking feature of the campaign.[2] While Marquett was no match for Morton in the positive sense, yet he was shrewd enough to appreciate, and witty enough to make the most of that disadvantage. Morton, in his usual aggressive style, consistently pressed Marquett to say whether he was for or against negro suffrage, but without effect; for suffrage sentiment in the territory was as yet either so conservative or so timid as to have placed the white restriction in the pending constitution whose acceptance republicans

the constitutional convention of Kansas. He was also elected probate judge, but resigned the position. He abandoned his law practice in Atchison in 1860, and went to Colorado, Oregon, and into the mining regions of the West, finally settling in Idaho City, Id., where he remained four years. In the fall of 1864 he went to California, and after spending a few weeks in that state he sailed from San Francisco, via the Isthmus of Panama, to New York. The winter of 1864–65 he spent traveling in Kentucky, Illinois, Michigan, Canada, and Pennsylvania, and in Mar., 1865, settled in Omaha, Neb., where he has since resided. Mr. Hascall has been prominent in the official life of Nebraska, and has held many important positions. He was appointed probate judge of Douglas county in 1865, and the same year was elected to that office. In 1866 he was elected state senator, serving in the second, third, and fourth sessions. In 1870 he was reelected and was made president of the senate a portion of his term. As a legislator, Mr. Hascall was active and energetic. He took a prominent part in the famous school fund investigation which finally resulted in the impeachment of Governor Butler. In the spring of 1871 he was elected one of the delegates to the constitutional convention of that year. Mr. Hascall has served a number of terms as a member of the city council of Omaha and is active in promoting all business improvements. He was married in Buffalo, N. Y., in 1856. One daughter, Mrs. Robt. F. Williams of Omaha, was born in Atchison, Kan.

[1] As early as Aug. 4, 1860, the Omaha *Nebraskian* touches up Mr. Tipton's political methods in a style characteristic of the journalism of the times: "A clergyman—Tipton—is receiving much eclat (sic) from the republicans of the southern part of the territory by preaching abolition sermons. Any clergyman who meddles with politics in the pulpit deserves to be kicked out of his church and out of society—deserves to go to the hell he so eloquently pictures out for sinners. And if he does not finally go there, where is the necessity for having either hell or the devil?" But Mr. Tipton could afford to win the obloquy of the *Nebraskian* with his radical and eloquent political sermons, for they were to win him the United States senatorship as well.

[2] Following is the official vote for candidates as reported by the press:

| | For Member of 40th Congress | | | Delegate in Congress | | |
|---|---|---|---|---|---|---|
| | Taffe | Paddock | Train | Marquett | Morton | Train |
| Burt | 142 | 91 | .... | 142 | 94 | .... |
| Buffalo | 11 | 16 | .... | 12 | 17 | .... |
| Cedar | 24 | 31 | .... | 20 | 31 | .... |
| Cuming | 41 | 43 | .... | 41 | 43 | .... |
| Cass | 573 | 398 | .... | 580 | 392 | .... |
| Dixon | 32 | 41 | .... | 28 | 42 | .... |
| Dakota | 83 | 109 | .... | 87 | 109 | 1 |
| Douglas | 699 | 695 | .... | 703 | 691 | .... |
| Dodge | 147 | 49 | .... | 148 | 48 | .... |
| Gage | 124 | 54 | .... | 124 | 54 | .... |
| Hall | 46 | .... | .... | 46 | .... | .... |
| Johnson | 131 | 45 | .... | 131 | 45 | .... |
| Jones | 45 | 11 | .... | 44 | 10 | .... |
| Kearney | 14 | 80 | .... | 16 | 78 | 2 |
| L'eau-qui-court | .... | 6 | 3 | 3 | 5 | 1 |
| Lancaster | 128 | 69 | .... | 129 | 69 | .... |
| Lincoln | 18 | 134 | .... | 20 | 129 | .... |
| Merrick | 26 | 8 | 5 | 26 | 8 | 5 |
| Nemaha | 605 | 308 | .... | 661 | 302 | .... |
| Otoe | 445 | 782 | .... | 450 | 834 | .... |
| Platte | 85 | 96 | 22 | 86 | 93 | 22 |
| Pawnee | 239 | 44 | .... | 240 | 41 | .... |
| Richardson | 564 | 473 | .... | 562 | 460 | .... |
| Sarpy | 147 | 210 | .... | 148 | 233 | .... |
| Seward | 23 | 16 | .... | 48 | 16 | .... |
| Washington | 275 | 156 | .... | 275 | 155 | .... |
| Saline | 44 | 68 | .... | 45 | 68 | .... |
| Saunders | 49 | 39 | .... | 49 | 34 | .... |
| Majorities | 4760<br>688 | 4072 | 30 | 4864<br>768 | 4096 | 31 |

In the footings the majorities are given as 748 for Taffe and 770 for Marquett, but owing to typo-

were urging upon Congress. Morton of course declared himself positively against negro suffrage, and thereby strengthened his character but weakened his vote. He also positively endorsed President Johnson's policy. Morton on the stump and Miller in the press took the most aggressive ground against negro suffrage and the "disunion" conditions Congress was imposing on the return of the rebellious states to the Union. The republicans had little else to do but to cry "copperhead" and charge their opponents with intent to put unrepentant rebels in the saddle in the South. And in existing conditions the republicans won, almost as a matter of course.

The republicans nominated the same set of candidates for both territorial and state legislative tickets.

This was the last chance of the Democratic party in Nebraska; it has never since recovered from the disadvantages of the logic of conditions or of its own mistakes, so as to be able to make, single-handed, even a formidable campaign; and for a generation of time republican majorities waxed rather than waned. It was also Morton's last chance; and it was chiefly a compliment to his prowess and not out of disrespect or wanton meanness that all the bitterness and vituperation, all the old-wives tales, all the facts and all the fiction which the greed for office could summon or invent were focused upon him. The republican press even raked up the scurrilous abuse which the democratic editors of Omaha had heaped on Morton in the early days when he led the factional section of the South Platte. "J. Sterling Morton has long been a mark for the venom of political hatreds. No man in this territory has been more bitterly assailed in season and out of season. This has arisen in his independence of thought and action, and might have been expected."[1] The *Herald* observed that Mr. Morton's loss by theft of two fine horses, one the favorite of his wife and children, "has brought out once more the venom and malignity which only political bloodhounds can cherish towards their opponents. Men and the press have openly rejoiced in his loss." But the very large vote which Morton received at home is illustrative of the fact that, in spite of his penchant for arousing enmity and opposition, those who knew him best never ceased to recognize in him great qualities which attracted them and inspired admiration and respect. But he lacked entirely that essential quality of the successful practical politician which compromises differences and placates enemies; and he proceeded upon the impracticable, uncompromising presumption that "he that is not for me is against me."

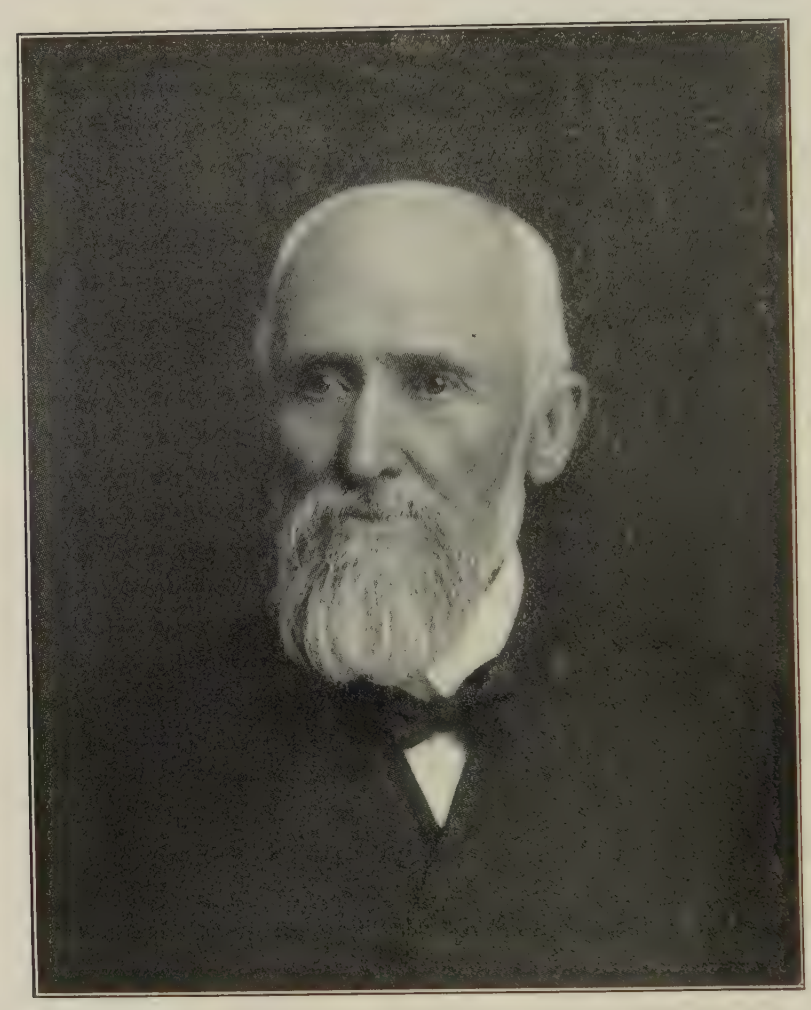
LORENZO CROUNSE
EIGHTH GOVERNOR OF NEBRASKA
From a photograph taken during the Civil war

In the meantime the first, or provisional state legislature, which was elected in June, met on the 4th of July, proceeded to elect two United States senators, and adjourned on the 11th of the same month. But President Johnson having "pocketed" the admission bill which was passed by Congress, July 27, the day before adjournment, it failed to become a

graphical carelessness the sums of the columns do not quite produce these majorities, which are probably correct. The majorities for the republican candidates for auditor, treasurer, and librarian were respectively, 551, 649, and 518. In republican parlance (Omaha *Republican*, Oct. 9, 1866) the party complexion of the members elect of the legislature was as follows:

| | | | |
|---|---|---|---|
| Territorial | Council, Republican, 7; | Copperhead, 6. | |
| | House, " 26; | " 13. | |
| State | Senate, " 8; | " 5. | |
| | House, " 30; | " 9. | |

[1] Omaha *Herald*, Dec. 1, 1865.



Laura B. Pound

law. Just before the passage of this bill in the Senate, Charles Sumner attempted to attach the same condition to it, respecting negro suffrage, which was afterward adopted; but his amendment received only 5 votes—those of Edmunds, Fessenden, Morgan, Poland, and Sumner. The bill passed by a vote of 24 to 18, all these senators voting with the democrats in the negative. In this debate the leading advocates of the bill were Nye of Nevada and Wade of Ohio, and its chief opponents were Hendricks of Indiana, Doolittle of Wisconsin (Johnson republican), and Sumner of Massachusetts. Sumner's primary objection to the admission measure was the suffrage-restricting word "white" in the proposed constitution. Doolittle, Hendricks, and Sumner pressed the objection of fraud in the election at which the constitution was adopted, and which had caused an investigation in the legislature. Mr. Doolittle adduced the statement of Isaac L. Gibbs, who was speaker of the house in the legislature of 1857:

"The gentleman for whom I pledged my honor was a captain of one of the companies of the first Nebraska regiment, who stated to me that two of the companies of that regiment were raised in Iowa, and the soldiers of those companies voted in favor of this constitution while they were in the territory of Nebraska; that those same soldiers voted, on a commission from Iowa, for Governor Stone at Fort Kearney in Nebraska; that subsequent to this voting they have been mustered out and have gone home to Iowa where they reside. I say that for his statement, stated to me upon his own knowledge, I do vouch for his honor as a man and a soldier."[1]

In the House, Kelly of Pennsylvania pressed Rice of Maine to yield to him so that he might offer an amendment similar to that of Sumner, but Rice declined on the ground that if he should entertain such an amendment "it would be the means of killing the bill." A prediction then that at the end of six months negro suffrage sentiment would have so grown and crystallized and that republicans would have so far recovered their wonted confidence, after the demoralizing Johnson disturbance, that the state would be admitted with Sumner's amendment as an accepted condition, and by a two-thirds vote over Johnson's veto, would have seemed visionary.

The twelfth and last session of the territorial legislature convened in Omaha, January 10, 1867.[2] The two districts comprising respectively Cedar, Dixon, and L'eau-qui-court, and Dakota, Cedar, Dixon, and L'eau-qui-court were not represented. Mr. Chapin of Cass county was chosen speaker of the house, receiving 23 votes against 11 cast for Mr. Baker of Lincoln county. The absence of Governor Saunders[3] from the territory at this time gave Acting Governor Paddock an op-

[1] *Cong. Globe*, pt. 5, 1865–66, p. 4221.

[2] The council was composed as follows: 1st district—*Dakota, Dixon, Cedar*, and *L'Eau-qui-court* counties, Barnabas Bates; 2d district—*Washington, Burt*, and *Cuming* counties, John D. Neligh; 3d district—*Douglas* county, George W. Doane, William Baumer; 4th district—*Sarpy* and *Dodge* counties, Eliphus H. Rogers; 5th district—*Platte, Monroe, Hall, Buffalo, Kearney* and *Lincoln* counties, F. K. Freeman; 6th district—*Cass* county, Lawson Sheldon; 7th district—*Cass, Lancaster, Saline, Saunders*, and *Seward* counties, James E. Doom; 8th district—*Otoe* county, Mills S. Reeves, William W. Wardell; 9th district—*Nemaha* county, Thomas J. Majors; 10th district—*Richardson* county, William A. Presson; 11th district—*Pawnee, Johnson, Gage, Clay*, and *Jones* counties, Dr. Alexander S. Stewart, Eliphus H. Rogers, republican, of Dodge county, was elected president, receiving 8 votes against 3 for Mills S. Reeves of Otoe county. Mr. Rogers had been a member of the house of the 6th legislature.

Following is the membership of the house: *Burt* and *Cuming* counties, Martin Stuefer; *Cass* county, Dimitt Cole, William F. Chapin, Isaac Wiles, Abel B. Fuller; *Dakota* county, Daniel Duggan; *Dodge* county, Jonathan E. Dorsey; *Douglas* county, George W. Frost, Daniel S. Parmalee, Dr. Harvey Link, Sterritt M. Curran, Edward P. Child; *Gage* and *Jones* counties, Hugh M. Ross; *Johnson* county, A. W. Gray; *Lancaster* county, E. H. Hardenbergh; *Lancaster, Seward*, and *Saunders* counties, E. L. Clark; *Lincoln, Kearney, Saline*, and *Butler* counties, William Baker; *Nemaha* county, George Crow, William Daily, Louis Waldter, Charles F. Haywood; *Otoe* county, William M. Hicklin, J. R. Graves, August F. Harvey, Solon M. Anderson, DeForest P. Rolfe; *Pawnee* county, John R. Butler; *Platte* county, John E. Kelley; *Platte, Merrick, Hall*, and *Buffalo* counties, John Wallichs; *Richardson* county, Gustave Duerfeldt, James M. Deweese, Joseph T. Hoile, Thomas J. Collins; *Sarpy* county, George N. Crawford, Abner W. Trumble; *Washington* county, Dr. Luther J. Abbott, Amasa S. Warrick.

[3] Alvin Saunders, war governor of Nebraska, was one of the political landmarks of the Northwest, whose memory is held in the greatest reverence among the people whom he served during the distressing reign of internecine strife. Although a pronounced partisan, who, as such, held some of the most important and responsible positions of trust within the gift of the people of his state, he retained through life the most thorough love and respect of

portunity to deliver the message, which in its business aspect was creditable; but its closing bold appeal in behalf of President Johnson's reconstruction policy stirred the now dominant congressional faction of the Republican party to wrath, and drew a storm of protest from the party organs. The territorial treasurer had reported the remarkably large sum of $23,324.56 on hand, and adding to this the tax levy for 1866, not yet collected,—$69,-973.86,—the militia reimbursement appropriation by Congress, $45,000, and delinquent taxes, $26,983.24, and then making an estimated allowance for loss on delinquent taxes,

his neighbors and fellow-citizens of all parties. In the development of the great Trans-Mississippi country he occupied at all times an advanced position, which he maintained by his active and intelligent service. Alvin Saunders was born July 12, 1817, ten miles south of Flemingsburgh, Ky. He was a son of Gunnell Saunders, a farmer and a native of Loudoun county, Va., who removed to Kentucky while still a young man and made his home successively in Bourbon and Fleming counties in that state. Gunnell Saunders was descended from an English family. He married Mary Mauzy, a native of Culpeper, Va., who was of French descent. She bore her husband five sons. When Alvin was about twelve years old his father's family removed to the vicinity of Springfield, Ill. A country school during two winter months of each year furnished the foundation of his education, but fortunately for him he was inspired with a passion for books, and in the pursuit of this inclination he materially reinforced his educational attainments. At the age of nineteen years he obtained the reluctant consent of his father to go west, and settled at Mount Pleasant, Ia., then a part of the territory of Wisconsin. There he secured employment on a farm, but in a short time entered the employ of a dry goods merchant as a clerk, in the village named. Here he began to realize the value of a thorough education, and he was soon instrumental in inducing a cultured citizen of the village to open a night school, of which he became an enthusiastic and studious attendant. He advanced rapidly until he had acquired the rudiments of an education. He soon after entered an academy and so improved upon his store of knowledge that in the many positions of great honor and responsibility that subsequently came to him he never failed to creditably acquit himself. At a time when the salary was but $20 a year Mr. Saunders was made postmaster at Mount Pleasant, Ia. Although a whig, he was appointed by President Van Buren because no one else wanted it. During his incumbency the office and its importance grew materially, so that when President Polk was elected he removed Mr. Saunders and appointed a successor. This instance of apparent adversity was the best thing that ever happened for Alvin Saunders. He had been a faithful and efficient officer while the emoluments were trifling, and his removal at a time when he was in a fair way to reap the reward of his faithful service aroused considerable indignation among the people of that section, which ultimately redounded to his political advantage. He was induced to become a candidate for delegate to the constitutional convention of 1846, and was elected. He was the youngest member of that distinguished body and became widely known as a man of promise in public affairs. His unyielding opposition to the extension of slavery into the territories, in spite of his southern origin, won him, in 1854, an election to the state senate of Iowa, to which position he was reelected in 1858. He was a delegate to the first republican state convention in Iowa, and aided in laying the foundation of a party that has been almost continuously successful from that day to the present. In 1860 he was a delegate to the national convention which nominated Abraham Lincoln for president. He had previously formed a personal acquaintance with Mr. Lincoln, whom he greatly admired, and he took an enthusiastic part in promoting his election, making a thorough canvass of Iowa. That President Lincoln was cognizant of Mr. Saunders's services in his behalf and entertained a flattering estimate of their value was attested by the fact that twenty-two days after his inauguration as president, Mar. 26, 1861, he appointed Mr. Saunders governor of Nebraska territory. Mr. Saunders accepted the trust as a tribute to his efficient political service, and assumed the duties of Nebraska's governor May 15, 1861. It was a critical and eventful period in the history of the territory. The Civil war was then in progress. The population of the territory was about 29,000, and not only must Nebraska furnish her full quota of soldiers to fight the battles of the Union, but the territory itself must be protected from the raids of warlike Indians. After 3,000 troops had been sent to swell the armies of the North, Governor Saunders issued a proclamation exhorting all able-bodied men in the territory to volunteer for frontier service, and the call met with a ready and cheerful response. Long before coming to Nebraska Governor Saunders had been an advocate of a great trans-continental railway, and after assuming the duties of his influential position he never relinquished his ardent enthusiasm for that project. In his first official message to the Nebraska legislature he expressed the conviction that such a route must ultimately traverse the Platte valley, and when the measure passed in Congress providing for the construction of this great modern system of railway, Governor Saunders was made one of the formal directors of its affairs and its destiny. When the ceremonies attending the breaking of ground for the enterprise were observed, Dec. 2, 1863, Governor Saunders delivered the chief address, and he was subsequently a member of a committee of citizens that secured the construction of the Union Pacific bridge, and a trustee through whom was conveyed certain property transferred by the city to the bridge company for its purposes. In his message to the legislature of 1865 Governor Saunders intimated that he did not contemplate seeking a reappointment to the governorship upon the completion of his term, and before the session was far advanced the legislature adopted a resolution, which was supported without regard to party, asking his reappointment, which was forwarded to the president. It is probable that President Lincoln's last official act was to appoint Governor Saunders to a second term as governor, for when his private room was opened immediately after his assassination the commission of Governor Saunders was found lying open upon the president's table. Upon the accession of Nebraska to statehood on Mar. 27, 1867, Governor Saunders retired, and David Butler, who had al-

$10,000, and for possible disallowance of militia accounts $8,000, the acting governor optimistically ventured to congratulate the territory on the possession of a surplus of $61,810.22 above the indebtedness of $85,471.44. The treasurer reported that during the current year he would have sufficient funds to redeem the outstanding warrants as well as the bonded debt, and recommended the passage of a law compelling holders of warrants to surrender them. Here we have perhaps the first positive manifestation that orderly administration and general solvency and thrift have been attained—in fair measure, though by very slow growth.

The concurrent advent of the free homestead and corporation land grant systems already arouses jealousy and fear of abuses, and the message sounded a note of warning and alarm:

"Wherever the lands are subject to location under this [homestead] law, the newly made cabin of the homestead settler is found; and it is not an extravagant estimate that another year will find one-twelfth of the population of the territory on homestead lands, and fully that proportion of our aggregate productions in the granaries of this class of our fellow-citizens."[1]

It is then pointed out that it is "a very great hardship to the enterprising settlers in the valleys of the Nemahas, the Elkhorn, and the Loup Fork that the lands surrounding their homesteads should thus be tied up from actual settlement for the benefit of a corpora-

ready been elected by the people, assumed the office. In his last message, Governor Saunders called attention, with pardonable pride, to the fact that, while the territory had, at the time of his advent into the executive office, an indebtedness of $2 per capita, so that its warrants had then sold at twenty-five and thirty cents on the dollar, upon its entry into statehood it was prepared to pay off every dollar of its indebtedness and its warrants were negotiable at par. In 1868 Governor Saunders was a delegate from Nebraska to the convention which nominated Gen. Ulysses S. Grant for the presidency, and in 1877 he was elected to represent the state in the United States Senate. During his service as senator he bore an important part in the resumption of specie payment by the government. He also secured the correction of the northern boundary line of Nebraska, whereby 600,000 acres of land were added to its domain. His last public service was as a member of the Utah commission, a non-partisan board created by Congress in 1883, the purpose of which was the suppression of polygamy in Utah by preventing those who practiced it from exercising the elective franchise or holding elective office. This office he held until he resigned it about 1890, after four years of service. During the entire period of his responsible public service, Governor Saunders was engaged in business in Omaha, and was at one time the possessor of a considerable fortune. He was the founder and for several years president of the State Bank of Nebraska in Omaha, now the Merchants National bank, and was one of the original stockholders in the Omaha Smelting Works Co., which established what is now the largest smelting works in the world. He was one of the incorporators of the O. & S. W. Ry. in 1869, which built the present line of the Burlington between Omaha and La Platte, and was its vice-president. He was largely interested in the early street railway enterprises, the gas works, and other semi-public ventures. In 1875 he met with severe financial reverses, but during the later years of his life he not only succeeded in paying off every dollar of his indebtedness, but accumulated a competence. For a number of years prior to his death he was at the head of the Omaha Real Estate and Trust Co., a prosperous business enterprise. He was one of the founders of the Omaha Real Estate Exchange and was its first president in 1886. He was an active promoter of the Trans-Mississippi and International Exposition at Omaha in 1898, of which he was resident vice-president. Governor Saunders did his full share in the upbuilding of the educational interests of this state and section. In 1869 he was appointed by the governor as one of the board of regents for the control of the old capitol grounds for school purposes. He was president of the board until it gave way to the board of education. In 1874 he was a member of the latter board. During his service on these educational boards he was active in promoting the building of the present high school and laying the foundation of the existing public school system of Omaha. For many years Governor Saunders was a member of the Independent Order of Odd Fellows, which he served as grand master and deputy grand master, grand treasurer, and deputy grand treasurer. He was also a third-class member of the military order of the Loyal Legion of the United States, in recognition of conspicuous loyalty to the federal government during the Rebellion. There are said to be less than a hundred members of this class in the United States, and no more can be created. Governor Saunders was married Mar. 11, 1856, at Washington, D. C., to Marthena Survillar Barlow. He left, besides his widow, two children, Mary and Charles L. Saunders. The former married Russel B. Harrison, son of President Benjamin Harrison. During the visit of President Harrison and party to Omaha in 1891, Mrs. Harrison and other distinguished ladies of the party were tendered a reception at the home of Governor Saunders. The son, Charles L. Saunders, present (1904) state senator from Douglas county, is engaged in the real estate business in Omaha. Such was the life of one of the most conspicuous public characters of the Northwest, a section for which his great love was continually manifested by his works, and in his death, which occurred Nov. 1, 1899, a great loss was suffered, not only by his immediate family, but by the people of the whole state.

[1] House Journal, 12th Ter. Sess., p. 21.

Alvin Saunders

tion (the Burlington & Missouri River Co.) which contemplates the construction of a railroad through a section of country far removed from their homes." And then to the core of the question:

"I do not doubt that if the evil effects of this baleful system of land grants were properly represented by you in memorials to congress some remedies for present evils might be applied; or, at all events, some barriers placed against this rapid absorption of the public domain in the future by railroad monopolists and land speculators. We need every available acre in this territory, not already given away by the government for the construction of railroads and agricultural colleges in other states, for our own state endowments and for the industrious poor who, from all sections of the union, and from foreign countries, are coming to secure homesteads amongst us."[1]

WILLIAM F. SWEESY[2]

The governor then expresses his firm conviction that the whole country would be benefited if the Union Pacific Ry. Co. would at once exchange its lands for United States bonds, at a fair price, so that they might be held exclusively for location under the homestead law.

The message urged the construction of a free bridge across the Platte river, for the old, familiar reasons:

"The construction of a bridge over the Platte river is a much needed improvement. The crossing of this stream, always difficult, is at certain seasons of the year an utter impossibility, and communication between two great sections of the territory is for this reason extremely limited. A journey to the territorial capital from some of the most populous counties south of the Platte is considered quite as difficult to perform on account of the dangers and delays in crossing the Platte, as one to St. Louis—five hundred miles distant, and from the North Platte the journey to Chicago is quite as cheerfully undertaken as one across the Platte into the rich grain-growing districts below it. Such an obstacle to commercial intercourse between the two sections should be immediately removed, if it is in the power of the people to do it. It is not at all strange that with such a barrier in the way of travel and of commerce, the people of both

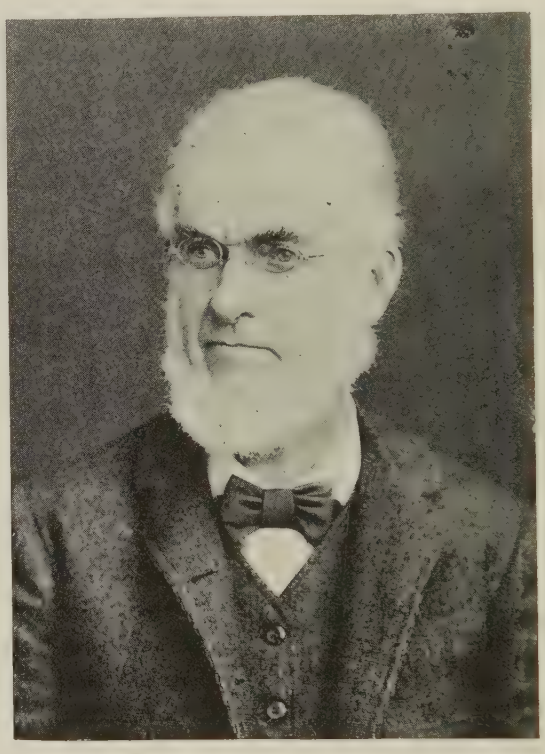
[1] House Journal, 12th Ter. Sess., p. 22.

[2] William F. Sweesy, pioneer of Omaha, Neb., was born in Hunterdon county, N. J., May 5, 1828. Mr. Sweesy settled in Omaha in May, 1856, and in company with his brother-in-law, Aaron Root, built the Tremont House, on Douglas street, which they managed until the spring of 1857, when Mr. Hornberger became proprietor, Messrs. Sweesy and Root retaining ownership of the building, however, until the Caldwell block was built in 1865 and '66. In 1866, Mr. Sweesy purchased from A. J. Poppleton and J. M. Woolworth twenty-two acres of land just south and west of the present site of Creighton college, which he platted as Sweesy's addition to Omaha. The following year he was appointed register of the United States land office, which position he held for four years, Oscar F. Davis being his chief clerk a great part of that period. In 1876 he was appointed United States marshal for Wyoming territory, and served three years. In 1891 Mr. Sweesy erected and opened the Hotel Brunswick on the corner of 16th and Jackson streets. He has now valuable real estate interests in Omaha which occupy most of his time. He was married May 24, 1852, to Miss Harriett Van Sycle, and three children have been born to them: Frank, Charles C., Chicago, and Willard K., who died Jan. 17, 1904. Mr. Sweesy has retired from active business life and resides in Omaha at 4918 Davenport street.

sections should not only lose their active sympathy for and interest in each other, but that they should be easily led into misunderstandings, jealousies, rivalries, and strife."[1]

The fact that "a bridge," merely, was demanded illustrates the still limited progress of settlement westward from the Missouri river.

The message favored the admission of the territory as a state, but it reflected the conservatism of President Johnson as to the suffrage question, inasmuch as it "would give the franchise to intelligence and patriotism wherever found, regardless of the color of its possessor."



THOMAS WESTON TIPTON[3]
UNITED STATES SENATOR 1867–75
Engraving loaned by Nebraska State Historical Society

The prospective glories attendant on the completion of the Union Pacific Ry. and the appeal for Johnson's reconstruction policy, under the head of "peace and union," are reserved for rhetorical exaltation in the still inevitable peroration. How perilously near—having regard to his later political preferment—Mr. Paddock came to being a democrat appears in the fact that he boldly questioned the expediency of the proposed 14th amendment to the Constitution: "If the amendment threatens to perpetuate hatred, strife and discord it should be abandoned at once, whatever sacrifices of cherished political dogmas or partisan prejudices are involved." It was stated that 262 miles of track had been laid on the Union Pacific road during the year, and it was now complete to the 305th mile post.

But "the big thing which has engaged the attention of our legislature since its organization has been the legislative printing."[2] Since the republicans had been in control the secretary, following Morton's example, had placed the printing in the hands of a public printer virtually of his own choosing without clash with the legislatures; but now the Johnson schism stimulated Secretary Paddock to place it with printers of his own faction—the Barkalow brothers—whom the *Herald* speaks of as "two conservative young republicans." A resolution, introduced by Abbott, directing the chief clerk of the house to procure the printing of the laws, journals, messages, rules, bills, and other incidental papers of the two houses, was defeated. This move was in the interest of Mr. Balcombe, the orthodox editor

[1] House Journal, 12th Ter. Sess., p. 24.

[2] Nebraska *Advertiser*, Jan. 24, 1867.

[3] Thomas Weston Tipton, United States senator for Nebraska, 1867–75, was born in Cadiz, O., Aug. 5, 1817, and died in Washington, D. C., Nov. 26, 1899. He was a son of William Tipton, a minister in the Methodist Episcopal church. His mother's maiden name was Weston, and both parents were pioneers of Ohio, having emigrated from Huntington county, Pa. Thomas W. Tipton attended the common schools, when not engaged in farm work, until he was seventeen years old. He then entered a select school in Waynesburg, Pa., followed by a two years' course in Allegheny at Meadville, and two years at Madison college, Uniontown, Pa., from which he was graduated in 1840 as the valedictorian of his class. Returning to Ohio, he was for a time engaged in teaching and reading law, and in 1844 was admitted to the bar. The same year he campaigned for Henry Clay, and the following year was elected to the Ohio state legislature. In 1848 he took the stump in behalf of the candidacy of General Taylor. In 1849 he received an appointment in the general land office at Washington, but resigned in 1852 to give four months to the campaign of General Scott. Mr. Tipton practiced law at McConnelsville, O., for a time, but in 1856 he was ordained a minister in the Methodist Episcopal church. On account of his outspoken opposition to the institution of

of the *Republican*. Mr. A. F. Harvey, in speaking against the resolution, related that Secretary Morton had successfully resisted E. D. Webster's attempt to control this printing in the same way in 1860–61, and that Mr. Dix, secretary of the treasury, had decided that the legislature had no authority whatever over it. This decision had been acquiesced in ever since and Secretary Paddock had given out the printing wherever he wanted to.[1] The *Republican*, furious at the loss of this patronage, made scurrilous attacks on Paddock in which "apostate," "renegade," "traitor," "light-top-gear," and "weak mind," were the more moderate epithets. The *Herald* retaliated with attacks to match on the record of Mr. Balcombe, publisher of the *Republican*, as agent of the Winnebagos. The *Advertiser* interjected that "the secretary of the territory has always controlled this printing since its infamous usurpation from the legislature by Morton," and scolded the *Republican* for "spreading it on [Paddock] too thick for the occasion," offering as a salve that hoary and paradoxical characterization of politicians: "As an officer he is sound, as a citizen he is a gentleman, as a politician he is rotten to the core." And yet so smooth was Paddock's exterior political finish that such poisoned darts glanced from it harmless, as he pursued his way to two elections by the orthodox Republican party to the United States Senate. The contrasting orthodoxy of Senator-elect Thayer appears in a note to the *Republican* in his protest that he had not tried to persuade the "acting-president" to sign the Nebraska state bill; "I abhor the course, the 'policy,' and the treachery of Andrew Johnson."[2]

Republicans at this session consumed much valuable time in the empty enterprise of making a record on the question of negro suffrage. A bill to remove distinctions in the school laws on account of race or color was the subject of a heated contest. It passed the house by a vote of 25 to 10,[3] and the council by 10 to 3,[4] but was vetoed by Acting-Governor Paddock.[5] Mr. Harvey, democrat of Otoe county, for the purpose of putting ardent suffrage reformers on record, introduced a resolution declaring that the members of the house are in favor of "impartial and universal

slavery, he was requested by his presiding elder to be silent on that subject, and refusing to be hampered in the right of free speech, he requested the conference to make up the record, "discontinued at his own request," and he at once united with the Congregational church. In 1858 he emigrated to Brownville, Nebraska territory, to become president of Brownville college. There he organized a Congregational society of sixteen members composed of Presbyterians, Baptists, Lutherans, and Congregationalists. This organization was dissolved by mutual consent when the Civil war began. In 1861 he was appointed chaplain of the 1st Neb. Inf. and was mustered out in July, 1865, and on the same day was appointed United States assessor of internal revenue by President Johnson. July 4, 1866, Mr. Tipton was made the nominee of the Republican party as one of the two United States senators, receiving on the first ballot 29 votes to 21 cast for J. Sterling Morton. John M. Thayer was selected as his colleague. Senator Tipton was reelected in 1869 and served a full term of six years. Politically, Mr. Tipton was, according to his own statement, first a whig; then during the war and for many years after, including his term of service as United States senator, he was a republican, but during his later life he became a member of the Democratic party. In 1880 he was the candidate for governor of Nebraska on the democratic ticket, but was defeated by Albinus Nance, the republican nominee. According to Governor Furnas "He was not eloquent, and yet he claimed the attention of his hearers by the importance of the subject under discussion. He spoke but seldom in the Senate, but such was his sense of propriety that he was never found upon the floor in debate except when the necessity seemed to be absolute, and then only in legitimate discussion, always direct and to the point." He is described by Governor Furnas as follows: "His head was very high from the base of the brain, broad and nearly round. His eyes were well set, high cheek bones, with a well-molded mouth and compressed lips, indicating firmness. He had a square, prominent forehead, and a preponderance of intellectuality. Right, truth, justice, and manhood were the chief attributes of his character. When he once formed an opinion he was as firm as the rock of Gibraltar. He was reserved in appearance, with a touch of moroseness resting upon his brow; but touch his heart and a wellspring of social greeting flowed forth as from a Protean fountain." Senator Tipton was an able writer, and his memoirs, entitled Forty Years of Nebraska, and constituting a volume of 570 pages, has been published by the Nebraska State Historical society, as vol. IV, 2d ser. He was married to Rachael Irwin Moore of Pennsylvania, and four children were born to them: Thomas Corwin, who resides in Washington, D. C.; William M., Santa Fe, N. M.; D. Perry, Socorro, N. M.; and Kate, deceased, married Gen. H. M. Atkinson, also of Santa Fe, N. M.

[1] Omaha *Herald*, Jan. 18, 1867.

[2] Omaha *Republican*, Mar. 1, 1867.

[3] House Journal, 12th Ter. Sess., p. 105.

[4] Council Journal, 12th Ter. Sess., p. 153.

[5] House Journal, 12th Ter. Sess., p. 253.

suffrage, and believe fully in the equality of all races, colors, and sexes at the ballot box." This was amended so as to declare simply for impartial suffrage, and then passed by a vote of 22 to 9.[1] Another resolution introduced by Mr. Harvey, thanking President Johnson for his veto of the Nebraska enabling act, was defeated 21 to 13.[2] Negro suffrage was at last adopted at this session by striking out the restrictive words "free white" from the election law; though amendments to the bill by Doane striking out the word "male," and providing that no negro or Indian, who could not read the Constitution of the United States and write his own name, or did not possess property to the value of $250, should be entitled to vote, were defeated by only 7 against 6.[3]

This legislature was not prolific of enactments, and in the case of general laws was almost barren, partially because the preceding session had at last completed a tolerable revision of former laws and largely because time and attention were given to factional squabbles with the temporarily aberrant Secretary Paddock over petty printing spoils and to such facetious partisan measures as the enfranchisement of imaginary negroes. There were no well-known, recognized leaders of the Republican party in either house, for the reason, doubtless, that they were all striving for the higher congressional and judicial places which would be opened by the coming admission to statehood. The partisanship of this session had, perhaps, been whittled down the smaller to conform to these conditions.

The special enactments of interest authorized the city of Omaha and the city of Bellevue, respectively, to raise $100,000 to be used in securing the construction of a railway bridge across the Missouri river at each place. This was but the preparation for Bellevue's last, and, as the event proved, death struggle. Omaha was to win the bridge, but at a cost to which this proposed gratuity was a bagatelle. The organization and the last election of officers of Saline county were legalized; Lincoln county was attached to the first judicial district; Saunders county was detached from Cass to which it had been joined for judicial, election, and revenue purposes; the sixteen townships east of Jefferson county and lying adjacent to the same, known as Jones

JOHN MELVIN GRAHAM[4]

[1] House Journal, 12th Ter. Sess., p. 115.

[2] Ibid., p. 201.

[3] Council Journal, 12th Ter. Sess., p. 171.

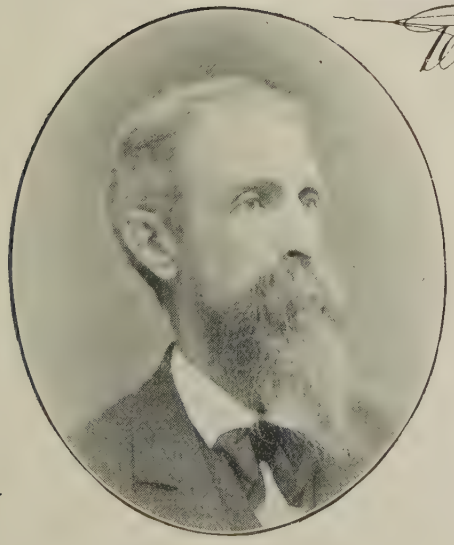
[4] John Melvin Graham, pioneer miller and lumberman of Nemaha county, was born Jan. 16, 1832, in Middlefield Center, Otsego county, N. Y., and died Jan. 22, 1904, in Peru, Neb. He was a son of Alanson and Jane (Blair) Graham, natives of Otsego county, N. Y. The Graham family are of Scotch descent, though they have lived for many generations in America. Mr. Graham was educated in his native town and in the Cherry Valley seminary. Later he attended college at Watertown, N. Y. He was a thorough student and always held in high esteem by his professors. After finishing school he taught for several terms in Otsego county, then in 1856 he removed to Nebraska and settled in Brownville. During the fall and winter he engaged in teaching school and shortly after was elected commissioner of schools. At about this time he carried on quite a business in buying and selling land warrants and real estate. On Apr. 25, 1860, Mr. Graham, with a company of men from Brownville, started for the Rocky mountains with about fifteen wagons hauled by oxen. They spent the summer in South Park in the vicinity of Breckenridge, Col., and in September returned to Brownville, having made no very large find of gold. Mr. Graham kept a careful diary, describing minutely all the events of the summer as well as the country through which they passed. This diary and two others which he kept are priceless treasures of the family. Mr. Graham was one of the advance guards of the Republican party in his part of the state. He attended all conventions

JOSEPH MILLER
Appointed Associate Justice of the Supreme Court of Nebraska Territory April 9, 1859.

JOSEPH E. STREETER
Appointed Associate Justice of the Supreme Court of Nebraska Territory November 18, 1861

Geo. Francis Train

For biography of George Francis Train see p. 521.



EDWIN H. BARNARD

RIENZI STREETER

county, were annexed to Jefferson county, and the officers of Jones county were authorized to remain as officers of Jefferson county until their successors should be qualified; the name of L'eau-qui-court county was changed to Emmet, provided the electors of the county should vote at the next general election in favor of the change; and the limits of the new counties of Clay, Webster, Hamilton, Adams, and Franklin were defined.

But this session was prolific of joint resolutions. The first of these was a sop to Congress for admission, and it declared that the legislature favored the adoption of the pending amendments to the federal Constitution, and that in case they should be "submitted to us as the legislative assembly of the state of Nebraska we would immediately ratify the same." Another prayed for the establishment of a fort or submilitary post on or near the Republican river at some point between Turkey creek and Beaver river, for the protection of "southwestern Nebraska, as well as northwestern Kansas, from the threatening invasions and barbarous outrages of roaming tribes of desperate savages, who frequent all that superb scope of country south of the Platte and north of the Arkansas river, and prohibit the ingress of the white man." Another prayed for a bounty for the Nebraska volunteers of the Civil war which should place them on the same footing as soldiers from the states for whom the federal government had provided additional compensation in the nature of bounty money; or, in lieu of money, a grant of 160 acres of public land was requested. At this early period Congress was requested to extinguish the Indian title to the Otoe reservation and throw it open to settlement. Another resolution congratulated the managers of the Chicago & Northwestern R. R. Co. on the completion of its line "within a few miles of the eastern boundary of the territory of Nebraska." When it was too late to become available on account of the admission to statehood, the lifelong prayer of the territory for an appropriation for a penitentiary had been granted, and the legislature in a joint resolution thanked Mr. Hitchcock, the delegate in Congress, for his mediatorial efforts to obtain an answer to the oft-repeated legislative petition.[1]

This last territorial legislature adjourned, finally, February 18, 1867, and it ended as spectacularly and frontier-like as the first had begun. The republican majority had passed an apportionment act which took a councilman away from democratic Otoe county and added one to Nemaha and Richardson. A new bill was offered as a substitute, but on account of dissatisfaction in a north Platte district it could not be passed. The whole

and was generally a delegate or a member of campaign committees, and spent considerable time in electioneering for his friends. He was not governed by personal ambition, but always upheld the side of justice and right for the party. Even at the last election before his death it was largely through his influence that certain candidates won the vote in his home precinct. In 1861 he returned to New York, where he remained seven years, then removed permanently to Nebraska. For twelve years he operated the city mills of Brownville, which narrowly escaped being washed away by the Missouri river a number of times. He was the pioneer miller and lumberman of Nemaha county, and while operating the saw mill acquired considerable land along the Missouri river, and, in the early days, bought the land on McKissick's and Sonora islands in the river in order to avail himself of the native timber. Almost all the lumber used in the older buildings in the vicinity of Peru and Brownville was sawed in Mr. Graham's mill. About 1881 he moved upon a farm but was a large property holder in Brownville. In 1893 he removed with his family to Peru, where he resided until his death. Mr. Graham was a member of the Presbyterian church from early youth and contributed largely to its support. For a number of years he paid the entire dues of the church at Brownville into the state synod in order to perpetuate that organization. He was a generous man, and outside of his church affiliations and contributions he helped many a struggling person, giving both material and moral assistance. He was married in 1867 to Sarah E. Lippitt, a resident of his native county. Two children were born to them, Charles H. and Estelle, the former residing upon a farm near Hamburg, Ia., and the latter living at home with her mother in Peru.

[1] The act of Jan. 22, 1867, appropriated the net proceeds of internal revenue for 1866, 1867, and 1868 in the several territories of Nebraska, Washington, Colorado, Idaho, Montana, and Arizona for the building of a penitentiary in each of them and to be located by the legislatures thereof, the total amount to be used in Washington not to exceed $20,000, and in each of the other territories named not to exceed $40,000. The fifty sections of public lands set aside in the enabling act of Nebraska doubtless superseded this measure since it became effective by the admission of the state very soon after the territorial appropriation was made.—(U. S. Statutes at Large, vol. 14, p. 377.)

scheme of reapportionment was killed through the timely arrival of Rolfe of Otoe who was immediately sworn in. The *News* gives this graphic account of the summary action: "A precedent was read from Jefferson's manual; a motion was made removing the speaker which was put and carried so quick that he did not know what hurt him; he drew a pistol—the sergeant-at-arms drew his sword,—the speaker vacated the premises—a new speaker (Abbott) was elected. Mr. Rolfe was sworn in by Governor Saunders at about ten o'clock at night. The apportionment bill was killed, and the law-making machine began to go as though it had been greased and did more business in an hour and a half than had been done before in a week."

Mr. Rolfe, who lived until very recently, an exemplary citizen of Otoe county, described the revolution in the following nutshell:

"Omaha, Feb. 16, P.M.

"J. S. Morton: Just had a legislative row—Chapin is deposed and Abbott is in the chair—pistols were drawn by the opposition, but they had a scarcity of nerve. We have busted them.

"ROLFE."

On the third day of the second session of the 39th Congress, December 5, 1866, Senator Wade of Ohio introduced a bill (senate file No. 456) for the admission of Nebraska into the Union, and it was passed on the 9th of January following by a vote of 24 to 15, with the following amendment offered by Mr. Edmunds of Vermont:

"And be it further enacted, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed."[1]

On the 15th of January the House passed the bill by a vote of 103 to 55 after adopting the following amendment, offered by Mr. Boutwell of Massachusetts, as a substitute for the Edmunds amendment:

"Strike out the third section in the following words: *And be it further enacted*, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise, or of any other right to any person by reason of race or color (excepting Indians not taxed,) And insert in lieu thereof the following:

"*And be it further enacted*, That this act shall take effect with the fundamental and perpetual condition that within said state of Nebraska there shall be no abridgment or denial of the exercise of the elective franchise or of any other right to any person by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said state, by a solemn public act, shall declare the assent of said state to the said fundamental condition, and shall transmit to the president of the United States an authentic copy of said act, upon receipt whereof the president by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the state; and thereupon, and without any further proceeding on the part of congress, the admission of said state into the union shall be considered as complete. Said state legislature shall be convened by the territorial government within thirty days after the passage of this act, to act upon the condition submitted herein."[2]

The following day the Senate concurred in this amendment. On the 29th of January President Johnson vetoed the bill on the ground that the part of it composed of the Boutwell amendment was unconstitutional, and he suggested that the conditions ought to be submitted to a vote of the people.

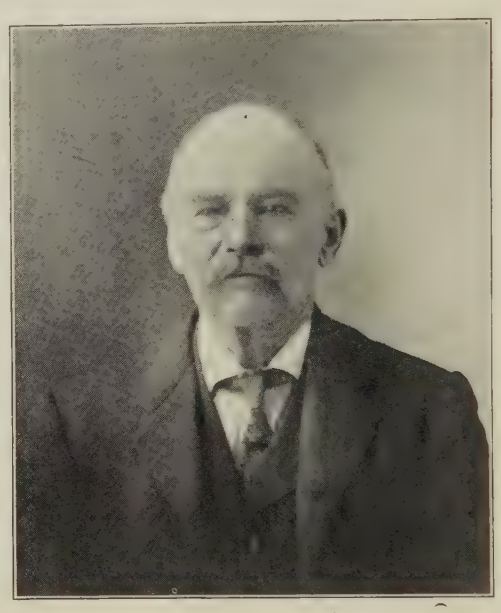
On the 8th of February the bill was passed in the Senate over the president's veto by a vote of 31 to 9. The nine in opposition were Charles R. Buckalew of Pennsylvania, Garrett Davis of Kentucky, James R. Doolittle of Wisconsin, LaFayette S. Foster of Connecticut,

[1] *Cong. Globe*, 2d Sess., 39th Cong., 1866–67, pt. 1, p. 360. Charles Sumner had originated this device, subversive of the constitution of the proposed state, when he imposed a like condition on the admission of Colorado on the 12th of March and again on the 25th of Apr., 1866. This condition precedent was adopted by both houses of the Congress; but President Johnson vetoed the whole measure, and as a result Colorado's admission was delayed for ten years.—(*Cong. Globe*, 1st Sess., 39th Cong., pt. 2, p. 1329, and pt. 3, pp. 2180 and 2373.)

[2] *Cong. Globe*, 1866–67, pt. 1, p. 480.

Thomas A. Hendricks of Indiana, Edwin D. Morgan of New York, Daniel S. Norton of Minnesota, David T. Patterson of Tennessee, and Willard Saulsbury of Delaware. Four of these—Doolittle, Foster, Morgan, and Norton—were republicans, and Foster was president of the Senate.[1] In the list of the ayes are such well-known names as John Sherman, Charles Sumner, Lyman Trumbull, and Benjamin F. Wade.[2] The next day the bill passed the House by a vote of 120 to 43.[3]

The question of the right of Congress to impose the negro suffrage condition precedent to admission occasioned a great debate in the Senate, the most polemical part of which was contributed by two great lawyers—Edmunds of Vermont on the affirmative and Reverdy Johnson of Maryland on the negative. Some of the ablest republican senators opposed the contention of Edmunds — among them Wade and Sherman of Ohio, Fessenden of Maine, Kirkwood and Grimes of Iowa, and Doolittle and Howe of Wisconsin. The strongest opponents of Edmunds's position, in addition to Reverdy Johnson, were Doolittle of Wisconsin, Howard of Michigan, and Hendricks of Indiana. Wade at first opposed the condition as unconstitutional, but while he did not seem to think it was worth while to press it, he admitted that he had been technically converted by the argument. Reverdy Johnson argued with great force that the effect of Edmunds's contention was that "Congress has a right to form a constitution for the people of a territory who may desire to come in as a state." Mr. Sherman said emphatically: "I am in favor of admitting Nebraska without any amendment, without any qualification, without any condition, and I think it is an unwise policy to impose conditions on the admission of Nebraska." But while the polemical power and habit of Edmunds did not convince, neither did the insistent moral consistency of Sumner move or trouble the evasively practical Sherman; and so he added:



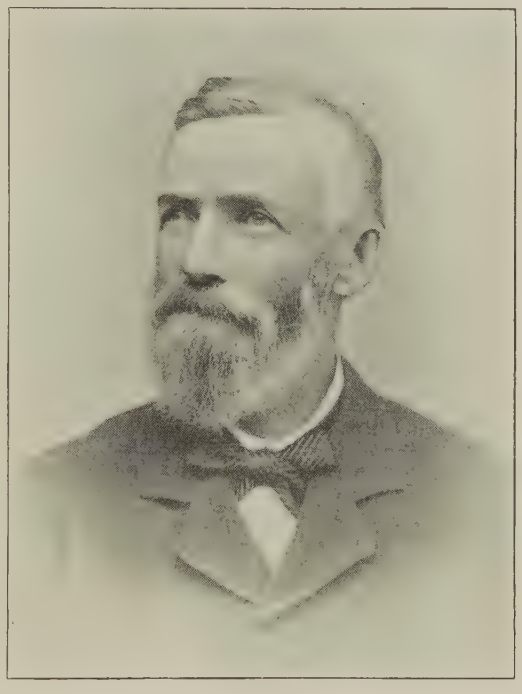
JACOB E. FREY[4]

"But still, as the friends of the measure think that the declaration drafted by the senator from Vermont will strengthen the bill, I am rather disposed to vote for it. I believe it will be entirely nugatory. I do not believe that we have the power by any act of Congress to restrain the people of Nebraska from framing such a constitution, republican in form, as they choose. I have no doubt they can amend this constitution or they can dis-

[1] *Tribune Almanac*, 1867, p. 20.
[2] *Cong. Globe*, pt. 2, 1866-67, p. 1096.
[3] Ibid., p. 1121.
[4] Jacob E. Frey, Humboldt, Neb., was born in Switzerland in 1830 and received his education in his native land. In 1852 he emigrated to America, and settled in Holmes county, Ohio, where he followed the trade of a cigar-maker for two years. In 1854 he went to St. Joseph, Missouri, thence to Nebraska territory, preempting a claim in Richardson county. He improved, and added to his land until he now owns about 480 acres which is in a high state of cultivation. He has retired from active work and resides in a pleasant home in Humboldt. Mr. Frey has always taken active interest in local affairs and is accounted an enterprising citizen. For over twenty years he was a member of the school board, has served as justice of the peace, township collector, and was postmaster of Middleburg, Nebraska, for seven years. He was married in 1853 to Rosanna Roth, who was born in Switzerland in 1833, and came to America with her parents when she was thirteen years old. Ten children were born to Mr. and Mrs. Frey, eight of whom are now living: Carolina, wife of John Oberly, Humboldt; Ida Mathilda, wife of Frank Albin, Nemaha precinct; Louisa, married to John O. Stalder, Nemaha precinct; John J. Frey, Derby, Kansas; Eliza, wife of Fred Karl, Mitchel county, Kansas; Julia Augusta, wife of Jacob Vanier, DuBois, Nebraska; Julius A., and Fred W. Frey, of Speicer precinct. In 1903 this pioneer couple celebrated their golden wedding, surrounded by their children and thirty-six grandchildren.

regard this condition; it does not operate on them; it is not really in the nature of a condition. I vote for it simply because I believe its adoption will strengthen the main measure and enable us to admit the state of Nebraska into the Union."

Wade and Sherman emphasized the fact that the constitution of their own state, Ohio, had the same white restriction of the suffrage as that of Nebraska. Wade pressed also the proposition that this was a question for the states alone. "Up to this hour the regulation of the elective franchise has been regarded as a state question. It belongs, under the constitution as it now stands, exclusively to the states of the union."[1] Wade urged also that "one reason why the territory of Nebraska should be very soon admitted is that the land there is being taken up by your college scrip, by your railroad grants, &c."[2] Soon there would not be enough left "to give to the state for school purposes and for various other purposes those grants which we have uniformly made to new states." Sherman argued along the same general lines, and, like Wade, insisted that the question of relative population was not important, and that, at any rate, Nebraska had more inhabitants than most of the existing states contained at the time of their admission. Wade said that the bureau of statistics of the treasury department had been ordered "to make out as well as they could the number of inhabitants"; and their return showed 88,530. When it was pointed out that the vote at the last October election was only 9,136, Wade insisted that owing to the scattered condition of the population this vote was an uncertain guide.[3] The fact that the federal census of 1870 showed a population of 122,993 tends to support Wade's contention that the estimate of the bureau of statistics was very conservative; but since the impetus to growth resulting from the advent of the railways to the territory was very strong in the years immediately following 1867, no accurate deduction can be made from a comparison of the estimates of that year and of the census of 1870.



ELIAS HICKS CLARK[4]

Though the advocates of the condition were clearly beaten in the debate, the majority seemed disposed to take Sherman's and Wade's view, that it would not be of practical importance. This indeed turned out to be the fact, because before the provision was tested

[1] *Cong. Globe*, 1866–67, pt. 1, p. 126.
[2] Ibid., 125.
[3] Ibid.
[4] Elias Hicks Clark, pioneer lawyer, Omaha, Neb., was born in Richmond, Ind., Sept. 13, 1828, of Quaker parents, and at the age of two years was taken by them to Laporte county. He received his early education in the district schools, attending a few months during the winter seasons and working on the farm in summer. Later he took a two years' course in the Indiana State university, after which he studied law in Laporte, under the tutelage of Mulford K. Ferrand and James Bradley, the latter one of the first associate judges of Nebraska territory. He studied here for three years, supporting himself in the meantime by such business as his tutors could entrust to him in the inferior courts, and in odd jobs of civil engineering on the M. S. & N. I. R. R., then building through that country. In the spring of 1854 he was admitted to the bar, and about the same time was married to Phebe A. Andrew, a daughter of Dr. Jacob P. Andrew of Laporte. Mr. Bradley was not inclined to accept the appointment of judge in Nebraska, realizing the privations and hardships of pioneer life, but upon the solicitation of Mr. Clark he accepted, on condition, however, that Clark should accompany him as clerk of his court and remain in Nebraska as long as he did. The judge and Mr. Clark left Laporte in the latter part of Feb., 1855, and after a tedious journey

in the courts, as it otherwise would have been, the adoption of the fifteenth amendment to the constitution superseded it. Charles Sumner strongly advocated the amendment of Senator B. Gratz Brown of Missouri, which provided that the people should ratify at the polls an agreement against restriction of negro suffrage. This he thought would clinch the question, while ratification by the legislature might not. Mr. Sumner took the broad view of the moralist that discrimination against the negro as to suffrage was repugnant to the principles of the Declaration of Independence and therefore of the federal Constitution. The restrictive provision of the Nebraska constitution, if not annulled by the act of Congress, would render the government unrepublican. Mr. Kirkwood very pertinently retorted that the constitutions of twenty out of the twenty-six states then comprising the Union contained this very restriction against negro suffrage, and he thought it strange that Congress should not have known what a republican form of government was when it admitted all these states; and then he demanded, "Why do you not require us in Iowa to make our constitution republican in form?"

MRS. PHEBE A. (ANDREW) CLARK

Wade attacked Sumner for calling Nebraska a "rebel state" and the proposed constitution a "rebel constitution"; but Sumner replied that he read that language from a letter from a citizen of Nebraska. Wade retorted that the republican members of the legislature had voted unanimously for the constitution and only copperheads voted against it. He said the constitution was copied almost literally from that of Wisconsin, "and as to the negro restriction they seem to have followed the usual form."

Mr. Hendricks of Indiana criticised the indifference of those who believed the restriction unconstitutional. "This precedent," he said, "will establish that the Congress of the United States and the territorial legislature have the power to change a constitution that the people have deliberately made." He was willing to accept Brown's amendment—which Sumner favored, but for a different reason,—to submit the question to the people instead of the legislature. But party spirit and ex-

by rail, stage, and boat, landed at Council Bluffs, having been twenty days in making the trip by way of St. Louis. Owing to high winds and floating ice in the Missouri river, Omaha was not reached until Mar. 12. The legislature having adjourned, nearly every person had left Omaha, some having gone for good, others to visit their homes, and it was difficult to get any accommodation on the west side of the Missouri river. Mr. Clark was forced to accept the offer of Acting Governor Cuming, of a bench in the executive office for a bed, which he occupied jointly with Capt. William E. Moore for some time, taking his meals with the estimable family of Thomas Davis. He spent the time tramping over the prairie, staking out claims, or visiting the town sites up and down the river, discussing prospects and advantages, until the 3d of May, when he entered upon his duties as clerk of the United States district court, then holding at Fontenelle, at that time the county seat of Dodge county. These duties were not onerous, consisting simply of making a journal entry of the opening and closing of the court, with the Honorable James Bradley, judge; E. H. Clark, clerk; Experience Estabrook, district attorney; and Col. Eli R. Doyle, United States marshal, present; the issuing of a venire for a grand jury; and the admission of Elias H. Clark to the bar, which was in the following words:

"*Territory of Nebraska, ss.*

"It appearing to the satisfaction of the undersigned, Judge of the District Court in and for the third judicial district in said territory, that Elias H. Clark is a man of good moral character, and having examined him touching his qualifications to practice as an attorney at law, I hereby license the said Elias H. Clark, Esq., to practice as an attorney, and coun-

JOHN BURKE

igencies demanded haste, and won the day, alike over constitutional conservatism and the determination of Sumner to have the restriction insured beyond question by a popular vote.

The debate in the House was no less spirited than in the Senate. George S. Boutwell, the mover of the conditional restriction as it passed, Thaddeus Stevens, James A. Garfield, and William B. Allison were the leading republicans who supported the measure, but such noted members of the same party as John A. Bingham, James G. Blaine, Henry L. Dawes, Columbus Delano, and Robert S. Hale stoutly opposed it. Mr. Boutwell rose to the same transcendental or speculative moral heights as Mr. Sumner occupied in the Senate, and insisted that "when a state deprives a particular class of men of participation in the government under which they live, just to that extent the government fails to be republican in form." To this Mr. Delano retorted in the same strain as Kirkwood's retort in the Senate, that "it is worse than idle for us to assert that the form of government presented by Nebraska (in her constitution) is not republican in form. The whole history of the nation gives the lie to the assertion that the Nebraska state government is not republican in form. . . . Upon what principle can we say to the people who live in Nebraska, 'You shall not come into this Union as a state unless you come upon conditions other than those which have been recognized as fit to constitute a state a partner in the great government of the United States ever since that government was formed'?"

Mr. Maynard took issue with the contention that the adoption of the condition by the legislature would give moral assurance of its observance. "I submit that the moral assurance will be the other way. The people of Nebraska have adopted a constitution in which they have restricted the right of suffrage to white men. . . . We may in passing this bill intimate to them and to the country what

selor at law, and solicitor in chancery in the several courts in said territory.

"Given under my hand this 3d day of May, A. D. 1855. JAMES BRADLEY,
*"District Judge."*

With this brief service Mr. Clark's career as a clerk of the United States court ended, as Judge Bradley immediately resigned and left the territory in disgust, and the new appointee, Eleazer Wakeley, like his predecessor, brought his clerk with him from his home state. Unlike Judge Bradley, Mr. Clark became enamored of the hustle, bustle, and ever-changing scenes of pioneer life and decided to remain, for a time at least. Thousands of people had by this time invaded the territory and were staking out town sites and individual claims on the public lands from the southern to the northern boundary, along the Missouri river. Nearly every man became a claim agent and real estate dealer. Many of these claims overlapped, as no government surveys had been made, causing much subsequent litigation and a harvest for the lawyers. Omaha being by this time overstocked with attorneys, Mr. Clark settled at Ft. Calhoun, the uninhabited county seat of Washington county, with which his name has been associated ever since, as the founder and leading spirit. For twenty-five years thereafter his hospitable home was the mecca of all the officials, politicians, preachers, and home-seekers of the territory when on their respective missions through the country. Purchasing an eighth interest in the town site, Mr. Clark erected the first buildings (except the claim cabin), one being designed for a hotel and the other for his home. Both were of hewn cottonwood logs, covered with split oak shingles. These buildings were commenced in June, 1855, but owing to a contention over the occupancy of the town site and a severe conflict resulting therefrom, in which one man was killed and two others severely wounded, they were not completed until the next spring, at which time Mrs. Clark came with her year old baby, and the family began housekeeping in their 12 x 14 cabin with only the boxes in which Mrs. Clark had shipped her goods for furniture. They were soon followed, however, by many relatives, friends, and prominent families from the East, among whom were Col. George Stevens and family, who owned and operated the hotel; Dr. Jacob P. Andrew and family; Elam and Newton, brothers of Mr. Clark, and their families, for all of whom he provided a home. Others who settled there with their families about that time were George W. Doane, district attorney; Algernon S. Paddock, late United States senator; Taylor Bradley, David Couchman, Charles Hagenbuck, and William B. Beals. The fathers and mothers of all those early pioneers have passed away, except George W. Doane and wife, now of Omaha, the widow of A. S. Paddock, now residing at Lincoln, and the widow of David Couchman, of Ft. Calhoun. Those who have died, with the exception of A. S. Paddock, rest in Ft. Calhoun cemetery, which was laid out and most of the land donated by Mr. Clark. It was through his persistent work and liberal donations that the first mill in the territory for grinding grain was erected, the famous Ft. Calhoun flouring mills of early days, which supplied the entire North Platte country, as also later that of Colorado, with breadstuffs for many years. This mill was eventually owned and operated by Mr. Clark's brother, Elam. Mr. Clark was always foremost in every movement for the interests of the town and county, spending his time and money freely in establishing schools and churches and aiding every public enterprise. He was the champion of the N. W. R. R. through the county and was its local attorney until it was absorbed by the C., St. P., M. & O. company.

our views and principles are, but we have no assurance that those principles will be regarded or that our views will be adopted by them. On the other hand all the assurance we have is that they will be disregarded, and that our views will not be adopted."

Mr. Bingham took the same ground as Sherman had taken in the Senate: "I would not vote for this bill but for the conviction that the section in question (the Edmunds amendment) has no more validity than so much blank paper, and that so much of the bill as is valid is just and ought to pass that the people of Nebraska may be admitted as a state of the Union." Again, if the third section is passed and is valid in law, Nebraska becomes a state, not upon the constitution made by the people but on a constitution made by Congress, "and I venture to affirm that the legislation which is attempted to be imposed upon this state by the third section of this bill has no parallel in anything that has ever before been attempted by an American congress." Mr. Bingham was consistent and denounced the Boutwell amendment on the same ground: "What is proposed by this amendment? It is this: That the legislature of a state shall change its organic law in direct contravention of the express authority of the people of that state and only by authority of Congress."

Mr. Blaine opposed the Edmunds amendment on the same ground—its utter invalidity. "I protest for one against humbugging myself or being humbugged, or assisting in humbugging my constituents." But unlike Mr. Bingham, he would compromise with humbuggery by consenting to be half humbugged himself and to humbug the Nebraska constitution, and to this end he asked Mr. Ashley

No person or enterprise ever appealed to him in vain. He would sacrifice his last dollar and exhaust his credit to assist a friend or promote a laudable enterprise, and that he has not accumulated a fortune is not at all surprising to his friends, many of whom are indebted to him for their start in life. In Oct., 1862, at the solicitation of Governor Saunders, Mr. Clark recruited and had mustered into the United States service the first company of the 2d Nebraska cavalry, but as the regiment filled up politics entered into the appointment of officers, and Mr. Clark, being an unswerving democrat, was given only a lieutenancy, in which capacity he experienced as many privations and as hard service as any officer during the Civil war, his company being stationed on the Missouri river near Yankton, S. D., as a protection from the Indians for the half dozen families then located in that country. There a severely cold winter was passed, with snow two or three feet deep, and the thermometer ranging 20° below zero, with continuous scouting and no protection from the severity of the weather. Nearly all of his company came out of the service more or less disabled. In July, 1863, he was detailed by General William S. Harney, who was in command of the expedition to the Yellowstone country, and to whose command the 2d Nebraska cavalry was attached, as judge advocate of a court martial convened at Ft. Randall for the trial of a number of soldiers. After discharging that duty he served as adjutant of the fort until the expiration of his term of service. In politics Mr. Clark has always been a democrat. His first vote was cast for Franklin Pierce, and through all the vicissitudes of the party from that day until the present he has adhered to its principles. Though not always agreeing with the platforms promulgated and the later year fusion idea, yet he yielded to the wisdom of its conventions and loyally supported its nominees. He has always been prominent in state and county conventions and a leading spirit of the party. Although especially qualified for public service, he has held political office but once. On account of the stampede from the democratic to the republican ranks during the Civil war, his county (Washington) became overwhelmingly republican, and there were but five or six left in the county who dared avow themselves democrats and bear the odium of being called copperheads and secessionists. However, Mr. Clark was chosen to represent the county in the lower house of the territorial legislature for the eleventh session (1865–66), being elected temporary speaker and organizing the house under the most trying circumstances. The membership being evenly divided between the democratic and republican parties, the strife was bitter and a complete organization was not effected until the second day of the session. He was appointed on several of the most important committees, and was the only democrat in the lower house who favored state organization. Mr. Clark is an active Mason, having joined the order at Laporte, Ind., as soon as he attained his majority. He joined Capitol Lodge in Omaha as soon as the same was instituted; and as soon as sufficient membership could be obtained he had a lodge instituted in Ft. Calhoun of which he was master for many years and is still a member. He is a life member of the grand lodge of the state and is a faithful attendant at its convocations. Mr. and Mrs. Clark have five children: Fanny M., the wife of Phillip Potter of Omaha; Caradora, the first child born in Ft. Calhoun; Cora B. of Brooklyn, N. Y.; Mrs. Jessie M. Foster of Dubuque, Ia.; and Andrew Clark of Omaha. Mr. and Mrs. Clark and their four daughters were baptized into the Episcopal church in 1868 by the Rev. Robert H. Clarkson, as was also their son in after years, and all have since been active members in that church. Mr. Clark has always been a great lover of the horse, and until past middle life an ardent sportsman with dog and gun. Failing health, however, forced him to give up his favorite pastimes as well as the practice of his profession, and he has not enjoyed the former nor sought to keep up the latter for twenty years. With his estimable wife and their children he is now enjoying a quiet life in Omaha, though he still looks upon Ft. Calhoun as his home.

of Ohio, who had yielded him time to speak, for leave to propose an amendment providing for the assent of the legislature or of the people, but was refused.

Mr. Dawes pointed out that the bill itself declared the constitution which the people of Nebraska had adopted to be republican in form, and the inconsistency of undertaking to interfere when this condition had been complied with, and he stoutly denied that Congress had any right to do so. But he thought the difficulty could be overcome by submitting it to a vote of the people; and again Mr. Ashley refused consent to an amendment for that purpose. Mr. Morrill of Maine showed, as Mr. Dawes had shown, that "the first section of the bill admits the state without any conditions at all, 'upon an equal footing with the original states in all respects whatsoever,' while the last proposes fundamental and perpetual conditions." He rightly said that it would raise a question for the courts, "and I prefer not to go into the courts at all on such a question." He argued that there was no need to hurry. "Let us welcome Nebraska but not until she is ready, as I have no doubt she soon will be." Mr. Allison of Iowa believed the condition precedent was within the power and the duty of Congress and would be binding upon the people of the state when assented to by the legislature. Mr. Garfield thought it was doubtful that the Boutwell amendment "does legally affix that condition," but he believed that the people would not break the covenant they would make in accepting the condition through the legislature.[1] It was generally assumed in the course of the debate that there were then about one hundred negroes in Nebraska who would be entitled to vote under the condition of the act. More than thirty years later Mr. Boutwell applied the same uncompromising moral spirit and broad moral principle to the Philippine question, and no doubt if Mr. Sumner had lived he would have stood with Mr. Boutwell in regard to this question as he did in regard to the Nebraska question. To the people of to-day who face the actual and generally recognized breakdown of the thirty years' experiment in universal negro suffrage, the matter-of-fact, confident assumption of the oratory of that Nebraska debate that it must and would be established as a matter of unquestionable moral obligation, without thought of its practicability, comes as an almost startling echo of the fallibility of human judgment and the vanity of human selfishness. Congress failed to pass the Colorado bill over the president's veto, and so Nebraska was the first and the last state to come into the Union on such capricious, *ex post facto* compulsion. It is true that Congress required that the constitutional convention of Nevada, held in 1864, "shall provide, by an ordinance, irrevocable without the consent of the United States and the people of said state that there shall be neither slavery nor involuntary servitude in the said state." But that requirement was at most a condition precedent, while the Nebraska requirement was a condition subsequent. Besides, in 1864 there was no longer any slavery in fact, and it was well known that it was about to be formally abolished by the pending thirteenth amendment, while a large part of the most intelligent people of the country were of the opinion that universal enfranchisement of the negroes would be impracticable and pernicious—an opinion which experience seems to have confirmed.

Mr. Morrill's fear that the Boutwell condition would throw the question into the courts was justified. Reverdy Johnson wrote to a prominent democrat of Nebraska an opinion that the state constitution had not been amended or altered by the congressional scheme, and so statehood had better be accepted, "and thus in law and effect exclude negro voting."[2] Accordingly, when twenty or more negroes attempted to vote at the Omaha municipal election, early in Mar., 1867, their constitutional right to do so was denied. The *Herald* charged that the negroes

[1] These debates took place in Jan., 1867, and are recorded in the *Cong. Globe*, pt. 1, 2d Sess., 39th Cong.

[2] Omaha *Republican*, Mar. 1, 1867, quoting Omaha *Herald*.

John Brady

were marched up to the polls under armed leaders wanting a fight, and the *Republican*[1] denied the truth of this charge and alleged that Mayor Miller and Sheriff Dellone both declared that the negroes had no right to vote and that a mob of four hundred armed democrats backed up their declaration.[2]

The constitution of Missouri, framed in June, 1820, contained this provision: "It shall be their [the general assembly's] duty, as soon as may be, to pass such laws as may be necessary to prevent free negroes and mulattoes from coming to, and settling in this state, under any pretext whatever."

The principal reason for this drastic measure doubtless lay in the fear that free negroes coming in contact with the slaves might stir them to mutiny or other trouble. But the Congress imposed as a condition precedent to the acceptance of the constitution that the legislature of Missouri should agree, in substance, not to enforce this restriction. While the legislature—June 26, 1821—assented to the condition, after a fashion, it did so in a spirit of independence and with a plainness of speech worthy of a better cause, and which Nebraska might have emulated to her honor and dignity.

It insisted that as the state came into the Union under the constitution and laws of the United States, and were bound thereby, that sufficed.

[1] Mar. 8, 1867.

[2] The following personal recollections of Gen. John M. Thayer, who still lives, throws an interesting light on Charles Sumner's uncompromising attitude toward the suffrage question:

"On returning to Nebraska after the close of the Civil war in 1865 I found the question of the admission of the territory as a state was being agitated by the people. I at once took position in favor of the admission policy and advocated the measure before the people. The state legislature met in July, 1866, and Thomas W. Tipton and myself were elected United States senators. These measures were adopted in order to be prepared in case Congress should pass a bill admitting the territory as a state. The session of Congress was drawing to a close and I was requested to go to Washington at once and present the application to congress with a certified copy of the constitution. Reaching that city in the evening I at once called upon Senator Wade—'Bluff Ben Wade'—chairman of the committee on territories. He received me with great cordiality and expressed much satisfaction that Nebraska had asked for admission. During the session of that night I handed him the constitution which I had brought from Nebraska, and he made a motion immediately for the admission of Nebraska into the Union and submitted the constitution to the Senate. Senator Wade was a strong advocate of our cause. He informed me that probably we should meet with some obstacles but hoped the republicans would stand by us. He said that the main opposition from the democrats in the Senate would be led by Hendricks of Indiana and Buckalew of Pennsylvania, and they urged, as the main objection, the small number of people who voted at the election. Mr. Wade informed me that we must expect bitter opposition from Senator Sumner of Massachusetts. Without any apprehensions of pleasure I called one morning at his residence. He received me civilly, but it was evident from his manner that he anticipated the object of my visit. When I mentioned the subject of admission he turned to me in an angry mood. His first words were, 'The people of Nebraska are idiotic, yes sir, idiotic to send a representative here and ask for admission of the territory as a state with that word "white" in the constitution.' He went on for some minutes denouncing Nebraska for undertaking to sustain slavery by putting the word 'white' in its constitution. He spoke of the inconsistency of thus upholding slavery and denying the rights of slaves after the president had by proclamation declared slavery forever abolished. 'When we are doing everything in our power in favor of human liberty and human rights, Nebraska comes here sanctioning slavery.' He thus discharged himself of a bitter, violent speech, to all of which my attention was given with patience and without any appearance of anger on my part. When he had exhausted himself, and the storm had blown over, I said to him, 'Mr. Sumner, I felt embarrassed at bringing this constitution with the "white" restriction, expecting to find opposition to it, but I had nothing to do with the making of the constitution; that was prepared before the war closed, when I was in the South fighting for my country, and I had to take it as I found it. Finding the Republican party of Nebraska generally earnestly in favor of the success of the admission measure, I took hold of it with a good deal of zeal. It may seem strange to you that the people of the territory should have adopted that word "white," but I am satisfied that at the very first opportunity they will blot it out. You must remember, Mr. Senator, that public sentiment on this subject has been making progress in the past few years even in Massachusetts, and I believe the people of Nebraska will progress in favor of liberty and righteousness, and be strong and determined enough to erase the word "white" from the constitution. I am as firmly fixed in my objection to slavery as you are. I have seen something of the colored race. I have had experience with them in the Civil war. It was my fortune to have a large force under my command, nine white regiments, three Indian regiments, and two colored regiments. I can speak from experience in regard to them, and there never were better soldiers in the field than those colored regiments. They fought side by side with the union troops. They were the equal of their white brethren and were appreciated by them. Having tried them as soldiers and found them always true and brave, I feel that, no matter how black they might be, the men who could fight by my side for the union flag and the government were worthy to vote by my side. I then resolved that if I ever got back to Nebraska I would advocate equal rights for all the people, white or black, who obeyed the law and who performed their duty

"Although this general assembly are of opinion that the congress of the United States have no constitutional power to annex any condition to the admission of this state into the federal union, and that this general assembly have no power to change the operation of the constitution of this state, except in the mode prescribed by the constitution itself, nevertheless, as the congress of the United States have desired this general assembly to declare the assent of this state to said fundamental condition, and forasmuch as such declaration will neither restrain or enlarge, limit or extend the operation of the constitution of the United States or of this state, but the said constitutions will remain in all respects as if the said resolution had never passed, and the desired declaration was never made, and because such declaration will not divest any power or change the duties of any of the constituted authorities of this state, or of the United States, nor impair the rights of the people of this state, or impose any additional obligation upon them, but may promote an earlier enjoyment of their vested federal rights, Therefore, be it resolved that this state has assented, etc."[1]

There was no important reason for the legislature of Nebraska to undertake to annul by resolution a practically negative provision of the state constitution. Its haste to do so, and unqualifiedly, showed a lack of dignity and an unworthy subserviency to partisanship—if not a selfish greed—in strong contrast to the assertion of constitutional rights and principles by the legislature of our adjoining state, and remains an unique incident in such procedure.

A bill passed by Congress prohibiting the denial of the elective franchise to negroes became a law January 25, 1867, without the signature of the president, and it was stated that Mr. James M. Woolworth had given a written opinion to an Omaha Democratic caucus to the effect that by the territorial law negroes were entitled to vote.[2] But after March 1, these provisions had been superseded by the state constitution. Since the adoption of the fifteenth amendment to the Constitution of the United States so soon settled this vexed question, the suffrage status of the few negroes in Nebraska in the meantime is not of practical importance. After every practicable measure to enforce negro suffrage, in those states where these unfortunate people of an inferior race are numerous enough to invest the question with importance, has been exhausted and proved futile, it is, it seems, by common consent of the people of all sections recognized as impracticable, and the formidable guaranties of the constitution and the laws remain only a dead letter.

Striking evidence is not wanting of the change in public sentiment wrought by experience whose outcome ought more generally to have been foreseen. In the spring of the year 1903, Mr. Root, Secretary of War in President Roosevelt's administration, in an

as citizens.' The senator did not interrupt me, but I watched his countenance and I saw that some impression had been made, because his manner changed at once. He said something about being placed in a difficult position. When I rose to leave, he rose also—which he didn't do when I entered—and taking me by the hand, invited me to call again. Well, it was necessary to call on all the senators. The most of the republicans were in favor of the admission of Nebraska, but that word 'white' was the difficulty. Owing to the fact that they were so near the close of the session, the senators could not see much chance for success. But the bill passed after discussion by Senators Hendricks and Buckalew, and was sent to the House only three or four days before the end of the session. I had become acquainted with the great commoner of Pennsylvania, Thaddeus Stephens, and called upon him. He was earnestly in favor of the admission of Nebraska; and the bill went through the House with very little discussion, within three or four days of the end of the session. Andrew Johnson was president and was in bitter controversy with the Republican party in congress. He did not want any more republican senators to be admitted and refused to sign the measure. I returned again to Washington, with several others, to labor to secure the admission of the territory as a state. It became necessary to devise some pretext to counteract the effect of the word 'white.' I suggested in the first place to Senator Fessenden of Maine that Congress should admit Nebraska on condition that its legislature should pass an act declaring the word 'white' of no effect in the constitution; and an act was passed providing that the governor of Nebraska should convene the legislature at once to accept the condition. I returned from Nebraska with a certified copy of such an act and presented it to the president. He issued his proclamation, in accordance with the directions of the law, declaring Nebraska a state of the Union. This last act on his part was performed without hesitation, though reluctantly, for he was threatened with impeachment, and he did not want any more senators admitted to the Senate who would sit upon his trial. Senator Sumner became a strong advocate of taking Nebraska in as a state on the condition named and ever after he was a steadfast friend to me."

[1] Laws of Missouri, 1821, p. 9.

[2] Mar. 8, 1867.

address before the Union League club of New York city, pronounced the fifteenth amendment to the Constitution a failure. Soon after this Mr. Henry Watterson, editor of the Louisville *Courier-Journal,* and the leading journalist of the South, was invited by the Hamilton club of Chicago, the conservative republican organization of that metropolis, to deliver an address. Mr. Watterson not only spoke thus plainly and boldly, but his remarks were vigorously applauded by his northern hearers:

"After thirty years of observation, experience and reflection—always directed from a sympathetic point of view—I am forced to agree with the secretary of war that negro suffrage is a failure. It is a failure because the southern blacks are not equal to it. It is a failure because the southern whites will not have it.

"The negro can never become in a beneficent or genuine sense an integral and recognized part of the body politic except through the forces of evolution, which are undoubtedly at work, but which, in the nature of the case, must needs go exceedingly slow. Where there is one negro fit for citizenship there are myriads of negroes wholly unfit. The hothouse process has been tried and it has failed. If, invested with every right enjoyed by the whites, the blacks, gaining in all things else, have brought corruption into the suffrage and discredit upon themselves, is it not a kind of madness further to press artificial methods, which however justified, theoretically, from educational look-outs in Michigan, Iowa, and Wisconsin, fall helpless to the ground in their practical application to the semi-barbarous toilers in the cotton fields and corn lands of Alabama, Georgia, and South Carolina?"[1]

Other speakers of national note have recently expressed opinions similar to those of Mr. Watterson's, and typical parts of these addresses and of those made in the debate on the admission of Nebraska are in striking contrast as opinions held in two different periods but only a single generation in time apart.

In a lecture at Yale university, Apr. 22, 1903, President Hadley said that the North had made a great mistake in giving the ballot to the negro before he was fitted for it. "It was not the fault of the negro; it was the fault of those who gave him the ballot without previous preparation. The North did not recognize this at the close of the war. It had recognized the dictum that all men are born free and equal. When the North recognized the conditions which prevailed in the South it acquiesced in the suppression of the negro vote." And yet, to the mind and conscience of the intelligent and candid, this is a distressing condition and a humiliating confession. Without the ballot these millions of negroes thus thrust upon a superior race and under institutions in advance of their capacity to appreciate or support, can not avert or escape grievous oppression. This discordant anomaly, this flat contradiction of our political principles, which jeers at our bills of rights and sets aside our constitutional covenants, and from which we see as yet no escape, is the inevitable and inexorable penalty visited upon the children of those who were guilty of the original sin of African slavery. And is it not inexplicable that, just as our eyes were opening to full recognition of this predicament, we should have entangled ourselves voluntarily in a worse one of the same sort in the Philippine islands?

The state legislature which had been elected in the fall of 1866 convened in special session, Feb. 20, 1867, in response to the proclamation of Governor Saunders issued on the 14th of that month, for the purpose of complying with the conditions imposed by the act of Congress. The senate was composed of eight republicans and five democrats, and the house of representatives of thirty republicans and nine democrats.[2] Each of the houses at once introduced a bill accepting the conditions for admission prescribed by the act of Congress. In the senate the bill was referred after the second reading to a special committee consisting of Doom of Cass county, Hascall of Douglas, and Reeves of Otoe. Doom and Hascall reported, after a recess of ten minutes, in favor of the passage of the bill. Reeves moved to adjourn for a day so that he might have time to make a minority re-

[1] Copied from Chicago papers.

[2] Nebraska *Advertiser,* Nov. 8, 1866.

E. H. Rogers

port; but the motion was defeated by a vote of 3 to 7. The bill then passed by a like vote, Freeman of Kearney county and Reeves and Wardell of Otoe county voting in the negative.[1] When the senate bill was sent to the house it was at once read the requisite three times under suspension of the rules and passed by a vote of 20 to 6. Those voting in the negative were Crawford and Trumble[2] of Sarpy county, Dunham of Douglas, and Graves, Harvey, and Rolfe of Otoe. On the 21st the houses agreed on a joint resolution to send a copy of the act to the president and also one to John M. Thayer, who had been elected United States senator, and then adjourned.[3]

J. Sterling Morton gave Mr. Hascall the credit for his vote as follows:

"Isaac S. Hascall, the only representative of the Douglas county democracy in the state senate, stood solitary and alone among democrats in the legislature in advocating and voting for the admission of state under the African conditions. We understand Mr. Hascall made a long speech in support of his position, which receives unusual favor with Mr. Presson, Mr. Doom, Mr. Rogers[4] and other radi-

[1] Journals of the legislature, 1867–69, pp. 34–35.

[2] Abner W. Trumble, Ft. Crook, Neb., was born in Orleans county, N. Y., June 1, 1830. He is the son of Abner and Elizabeth (Kirby) Trumble who were of Scotch and German descent respectively. Abner Trumble, Sr., was born in New Hampshire and settled in the western part of New York at the time of the building of the Erie canal. Later he removed to Orleans county, where he resided until his death in 1868. A. W. Trumble received his education in the common schools of the village of Hulburton on the Erie canal, but for two years was a student at Brockport college. His boyhood was spent upon his father's farm, but when twenty-five years old he started west, and in Mar., 1855, settled on sec. 3, twp. 13, r. 13, in Sarpy county, Neb., where he has since resided. In 1858 he suffered great loss by the destruction of his residence by lightning. During the Civil war he enlisted and was made sergeant of his company, doing provost duty in and around Omaha and on the frontier. Mr. Trumble is a democrat and has been very active in the interests of the party. He was appointed superintendent of schools upon the organization of the county; in 1858 was sheriff; member of the territorial legislature in 1862–66; and a member of the 1st state legislature. Later he served as county commissioner, and all his public duties have been performed in a conscientious manner. Mr. Trumble has been vice-president and stockholder in the Packers National bank of South Omaha since its organization. He is a member of the G. A. R. and has filled various offices, including post commander. He was married in July, 1856, to Cordelia Kingman of Orleans county, N. Y. Ten children have been born to them, three of whom are dead. Those living are Fred D., married to Margaret Gates; Elizabeth M., wife of J. M. Gates; Edith A., wife of S. W. Gramlich; William C.; Jesse E., married to Faith Carpenter; Clarence W.; and Maude.

[3] Journals of the legislature, 1867–69, pp. 51–52.

[4] Eliphus Hibbard Rogers was born in Litchfield, N. Y., Jan. 12, 1830, and died in Vera Cruz, Mex., where he was United States consul, Aug. 1, 1881. He was the second son of Rev. Lucius Carey Rogers, a minister of the Methodist Episcopal church, and his wife, Fannie (Locke) Rogers. He acquired a liberal education, largely by his own efforts, attending first the public schools, and for a considerable time was a student at the "Old Stone Academy" of Augusta, N. Y., and later at Cazenovia seminary. His young manhood was spent in farm labor, clerking, and in country school teaching. In his twenty-first year he was married, and engaged in farming with but poor success. He then removed to Jo Daviess county, Ill., and soon after settled upon an eighty-acre farm in Jefferson county, Wis. Here he farmed and taught school until the fall of 1856, when he disposed of his Wisconsin holdings and settled in Nebraska. E. H. Barnard, one of the boyhood friends of Mr. Rogers, had for some time been engaged in the real estate business in Des Moines, and had removed to Omaha in the spring of 1856, and it was through his influence that Mr. Rogers had decided to settle in Nebraska. Mr. Barnard, with a few others, had laid out a town on the Platte river some fifty miles west of Omaha. This place, which consisted at that time of only three buildings, was the nucleus of the city of Fremont. To this town Mr. Rogers proceeded, and during the winter made his family as comfortable as possible in one of the recently constructed houses, which was also occupied by another family. During the winter he found employment at cutting firewood and hauling logs from along the river for the building of a home for himself and family. This structure was completed in the following spring. At that time on the bluffs across from Fremont were some 3,500 Pawnee Indians, who, while addicted to petty thievery, never gave the settlers much trouble other than by threats, which kept some of them in a state of continual alarm. During the summer of 1857, Mr. Rogers was a busy man. He had in hand the improvement of his claim adjoining the town site and had been made president of the first board of trustees of the town. He was active in all the affairs of the place, and his capacity as a public speaker made him a prominent figure in every public gathering. While a life-long member of the Methodist Episcopal church, he joined in the support of the Congregational church, the first in Fremont, started by Rev. Isaac E. Heaton, and in the fall of 1857 was the leading spirit in the organization of the first Methodist Episcopal society in the town. While in Wisconsin Mr. Rogers had given his spare time to the reading of law, and in 1858 he was admitted to the bar of Nebraska territory. This enlarged his field of labor, and while there were but few cases before the courts, he found much to do as the legal advisor of the early settlers and in drawing up documents pertaining to the distribution of town lots and the entry of lands. The first planted crop on his farm resulted in a failure, only a little sod corn being harvested. This corn, with sorghum molasses, also a home product, was the chief foodstuff of the

cals. They ordered Mr. Hascall's speech published, wanted it spread on the journals immediately, and testified their approbation of it in every way possible. This is rather an ignoble distinction for Mr. Hascall as a democrat, and we are of the opinion that, however he himself may feel, the democracy of Douglas, who placed him in the senate, will not be very particularly flattered by it."[1]

Undue distinction was given to this speech of Hascall's by the pro-state party because he was an acquisition from the enemy, just as there is always more joy, temporarily, in a

family during the year 1857. The second season's sowing was more prolific, and some of the comforts so much desired were realized. In the spring of 1860 Mr. Rogers resolved to join the ranks of gold seekers bound for Pike's Peak. Accompanied by his wife and small family, he started overland to Denver. There he hoped to find a field for a profitable use of his legal knowledge, but the small city was filled with briefless lawyers, and he wended his way to Russell's Gulch, forty miles west of Denver. There he erected a cabin and commenced the practice of law. Few had money to pay the expense of litigation, and for fees he received interests in numerous mining claims, which were of no value except developed, and no funds were available for this purpose. In Feb., 1861, he was elected judge of the miner's court, which assured him a modest income in the form of fees. Returning to Nebraska in the fall of 1861, he was appointed miller on the Pawnee reservation at Genoa, and two months later lost his place by a change in agents. He returned to Fremont, and commenced in the freighting business between Missouri river points and the Rocky mountains. This and buying supplies for Ft. Kearney occupied him during two winters. In 1863 he was elected county clerk and occupied a part of his modest sitting room as an office. Later he occupied a part of another building for the county's business. He served four years as clerk. In the fall of 1866 he was elected a member of the territorial council which was to assemble for the last time, and during the ensuing winter was made the president of that body. Mr. Rogers was elected to the state senate, serving as president of the second, third, and fourth sessions. Early in the year 1866, with his brother Lucius H., Mr. Rogers had embarked in the real estate business, and in the summer following, when the town began to show a metropolitan appearance, the firm of E. H. and L. H. Rogers, in connection with their land business, opened a private bank, the first one west of Omaha. The start was made in a modest way, and quarters were occupied in the rear of a long narrow wooden building used as a hardware store, and which occupied the site of the present First National bank, which is the successor of the small bank of Rogers Bros. For some time this was conducted as a private bank, and for several years was the only banking institution in the town and county. It was reorganized as the First National in 1872, and Mr. Rogers became its cashier, and up to the time of his death was one of the principal stockholders. In the political field at different times Mr. Rogers became a prominent figure. He was in early life a democrat, but during his residence in Wisconsin became a republican on the issue of slavery. In the legislative session of 1871 he was a candidate for United States senator. It was a three-cornered fight. The contestants were Thayer, Hitchcock, and Rogers. The trio seemed of about equal strength, and the balloting was long drawn out. Finally the contest was closed by Mr. Rogers withdrawing in favor of Mr. Hitchcock, who was elected. In church affairs Mr. Rogers was prominent for many years. He was the first lay delegate from Nebraska to the general conference of the Methodist church held in Brooklyn, N. Y., in May, 1872, and in 1876 he was again a delegate to the general conference at Baltimore. In the fall of 1877 his health began to fail rapidly, and he went to Florida, where he remained the greater part of two years. In 1879 he went to New Mexico, and remained there until the spring of the following year, when he again went to Florida, settling in the little town of Sutherland. In May of 1880 he was appointed United States consul at Vera Cruz, mainly through the influence of Samuel Maxwell, one of the supreme judges of Nebraska. After visiting the state department at Washington for instructions, he went to New Orleans, and finally to New York and from there sailed to the field of his labors. Mr. Rogers was always an active man, and even though in poor health he diligently set about to equip himself for his duties, and was making much headway in the learning of Spanish when he was taken with his final illness and died on Aug. 1, 1881. His body was laid at rest in the vault in the Vera Cruz cemetery, the laws of Mexico providing that no bodies shall be removed from the country until five years after death. Upon the expiration of the prescribed time, the remains were removed to America. On Sept. 17, 1851, Mr. Rogers was married to Lucy J. Goff, daughter of Henry and Elizabeth Goff, who was born at Augusta, N. Y., Aug. 1, 1832, and died in Fremont, Neb., Sept. 14, 1904. Her father was a sturdy farmer and a faithful and useful local preacher of the Methodist Episcopal church. Mrs. Rogers was educated at Whitestown Ladies' seminary, near Utica, N. Y. In 1857 she came to Fremont with her husband, where they established their home, and she nobly shared the hardships of pioneer life. In 1881 she accompanied her husband to Vera Cruz, Mex., he having received the appointment of United States consul. Within a fortnight after their arrival Mr. Rogers died. Here under unusually distressing circumstances the widow proved herself especially heroic. The funeral was in Spanish, the only part of it in English being the hymn "Jesus Lover of My Soul," sung by the family of the former consul. Mrs. Rogers returned to Fremont, where she resided until her death, devoting the remainder of her life to the service of her friends, her church, and various lines of reform work. From early childhood she was a devout member of the Methodist Episcopal church, and for many years actively interested in the Woman's Christian Temperance Union, having assisted at its first organization in town and state. Although modest and undemonstrative in public, the good influence of her presence was always felt, and generosity was her marked characteristic. At her funeral one of the pall-bearers was he who served as best man at her wedding fifty-three years before. To Mr. and Mrs. Rogers were born three children; one died in infancy, the other two are married and live in Fremont, Mrs. Ida Moe and Mrs. Bertha R. Yager.

[1] Nebraska City *News*, Feb. 24, 1867.

Lucy S. Rogers

political party, as there is said to be in heaven, over the one proselyte and deserter also than over the ninety-and-nine well-tried regulars or saints. The speaker undertook to give his cause character by ascribing respectability to its origin. The constitution, he said, was framed by nine members of the legislature—of 1866—five of whom were democrats, and, in addition, William A. Little, who had been elected chief justice of the state supreme court, Judge William Kellogg, chief justice of the territorial supreme court, Hadley D. Johnson, Gov. Alvin Saunders, Gen. Experience Estabrook, and others, of Omaha, assisted by able men, without regard to party, from other parts of the territory. The democrats had not made statehood a party issue at their convention, and the republicans had declared in favor of it at their convention, and it had been ratified by voters of both parties. Leading republicans, including John M. Thayer and Governor Saunders, did not insist on impartial suffrage. After the first veto by the President, and before the passage of the conditional act, Congress provided for impartial suffrage in all the territories. Negro suffrage therefore already existed by positive law, and if the President had not vetoed the bill for admission under the white constitution, Nebraska would not have negro suffrage now.

On the 1st of March, 1867, President Johnson issued a proclamation declaring that "the admission of the state into the Union is now complete." This proclamation, forced from the unwilling chief executive, was therefore an appropriate death warrant for territorial Nebraska. For, conceived in storm and born of strife, it has now died a violent death.[1] The closing of the territorial period logically ends the political part of this volume. The history of the commonwealth under statehood will be resumed in another volume.

[1] The original Nebraska territory was bounded on the north by the 49th parallel of latitude—the south boundary of the British possessions; on the east by the White river, from the 49th parallel south to the mouth of the river—and thence southward by the Missouri river; on the south by the territory of Kansas, or the 40th parallel of latitude; on the west by "the summit of the Rocky mountains." The territory of Oregon (organized Aug. 14, 1848), extending from the British line down to the 46th parallel of latitude; the territory of Washington (organized Mar. 2, 1853), extending from the southern line of Oregon down to the 42d parallel of latitude; and the territory of Utah (organized Sept. 9, 1850), extending southward from the south boundary of Washington, came up to the Nebraska boundary on the west. The state of Iowa (organized Dec. 28, 1846) and the territory of Minnesota (organized Mar. 3, 1849) lay adjacent to the entire eastern boundary of Nebraska territory. After the admission of Minnesota as a state, May 11, 1858, the territory between its western boundary and the eastern boundary of Nebraska remained unorganized until the formation of Dakota, Mar. 2, 1861.

The first change in the original territory of Nebraska was made by the organization of the territory of Colorado, Feb. 21, 1861, which cut off all that part of the present state of Colorado north of the Kansas line and east of the Rocky mountains, and established longitude 25 degrees as the line between Nebraska and Colorado, from the 40th to the 41st parallel of latitude. The organic act of Dakota made the second change in the territory of Nebraska by cutting off all that part of it north of the Niobrara river, from its mouth to the point where it meets the 43d parallel of latitude, and north of that parallel of latitude to the western boundary. The same act added to Nebraska territory that part of Washington and Utah lying between the 41st and 43d parallels of latitude, and east of the 33d degree of longitude, that is, a strip extending from this degree of longitude east to the original boundary of Nebraska at the summit of the Rocky mountains. The third change took place when the territory of Idaho was organized Mar. 3, 1863. This territory came up to the 27th degree of longitude as its eastern boundary, which extended from the British line on the north to the Colorado line, or the 41st parallel of latitude, on the south; and it extended west to Oregon and Washington. Idaho took away the southwest corner of the original territory of Nebraska to the width of three degrees and cut off the west end of Nebraska, as it had been extended when Dakota was organized, to the width of three degrees more, that is, the part between the 27th and the 33d degrees of longitude. The territory of Montana, coming south to the 46th parallel, was formed out of Idaho, May 26, 1864, and the territory of Wyoming extending south from the Montana line to the 43d parallel, the present north boundary of Nebraska, was also formed out of Idaho, July 25, 1868. Idaho, as it was then left, being entirely west of the Rocky mountains and outside of the Louisiana purchase, and Montana and Wyoming came into the Union as states in their original territorial form. The 27th degree of longitude—104th from Greenwich—has remained the extreme western boundary line of Nebraska ever since it was established by the organic act of Idaho in 1863, and Nebraska came into the Union as a state in the form in which it was left by that act. By act of Congress of Mar. 28, 1882, the territory lying between the Missouri river and the Niobrara river, as far west as the mouth of the Keya Paha river, and as far north as the 43d parallel of latitude, was taken away from Dakota and added to Nebraska, thus constituting the 43d parallel its continuous northern boundary. On the 23d of October, 1890, the President of the United States declared by proclamation that the title or claim of the Ponca Indians to this strip of territory had been extinguished, and thereby jurisdiction over it was vested in the state of Nebraska.

H. W. Abbey

# CHAPTER XVI

## BIOGRAPHICAL

ABBEY, WALLACE WILLIAM, Falls City, Neb., was born in Painesville, O., Oct. 27, 1837, the son of William and Sarah (Wallace) Abbey, both natives of England, the former from Yorkshire, born of pure Anglo-Saxon stock, and the latter of Scotch ancestry. William Abbey and wife came to America in 1830, soon after their marriage, and settled in St. Lawrence county, N. Y. Later they moved to Ohio, and in 1855 to Jo Daviess county, Ill., and in 1867 to Nebraska.

Wallace W. Abbey was educated in the common schools of Ohio and the academy of Painesville, his native town. With his parents he moved to Illinois and engaged in farming until 1862, when he enlisted in Co. K, 96th Regt., Ill. Vol. Inf., as a private. He was soon advanced to sergeant, transferred to the 2d Bat. Vet. Reserve Corps in Oct., 1863, and promoted to orderly sergeant. Nov. 14, 1864, on recommendation of Gen. James S. Brisbin, he was appointed by Lorenzo Thomas, adjutant-general of the U. S. army, as captain of Co. D, 123d Regt. U. S. Col. Inf., and served with his command until he was mustered out in Nov., 1865.

On Feb. 10, 1866, he removed to Nebraska and purchased eighty acres of land near Salem, paying for it with money he had saved from his pay as a soldier. A year later he was joined by his parents, and gave his attention to diversified farming until 1886, when he removed to Falls City and engaged in the hardware business. In 1894 he entered his present business, furniture and undertaking.

Mr. Abbey has always been a republican. In 1867 he was elected sheriff of Richardson county, in 1869 was superintendent of schools, and from 1870 to 1876 was state prison inspector. In this capacity he appraised and sold the penitentiary lands, superintended the erection of the buildings and the care of the convicts. He has served as a member of the state board of agriculture, for sixteen years was president of the Richardson County Agricultural society, and for two years was president of the Nemaha Valley District Fair association. He has been a member of the county board of supervisors, the board of education of Falls City, and in 1887–88 was a member of the live stock sanitary board. In 1898–99 he was city treasurer of Falls City.

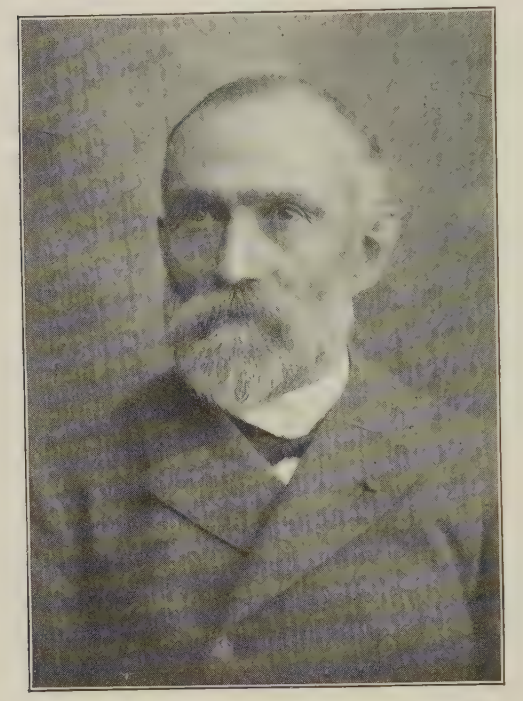
Mr. Abbey's life has been an active one, and though his own business affairs have been considerable, he has always found time to perform duties imposed upon him by the public, and has filled these offices with integrity and faithfulness that have gained for him the confidence of the citizens of his community and state.

He was married Feb. 29, 1860, to Alzina M. Worth, of Plainville, N. Y., who became the mother of five children: Agnes S., now Mrs. J. J. Faulkner; Charles S.; Myrta L., now Mrs. C. F. Reavis; Mary E., now deceased, married E. F. Steele; and Nellie A., now Mrs. A. E. Hagensick.

Mr. Abbey was again married, Oct. 8, 1895, to Lillis Rhodes, daughter of Milton Rhodes, of Mt. Pleasant, Ia. They have two children, Mary Esther and Wallace William.

ABBOTT, OTHMAN ALI, Grand Island, is a descendant of one of the oldest families of the United States. His ancestors were Puritans, who emigrated to this country from England in 1643 and settled at Andover, Mass., where the old Abbott homestead is still a well-known landmark, and after several hundred years it still remains in possession of the family. It is a family which has been remarkable for the great number of authors, ministers, and lawyers it has produced. Mr. Abbott was born at Hatley, Can., Sept. 19, 1842, the second son of Abiel B. and Sabrie Abbott (nee Young). A few years later his parents moved to De Kalb county, Ill., where he worked on his father's farm and attended the public high school at Belvidere, Ill., until he enlisted in Sept., 1861, in Co. I, 9th Regt. Ill. Cav. He participated in the battles of General Curtis's campaigns in Missouri and Arkansas, and was with his company guarding the Memphis & Charleston Ry. during the Vicksburg campaign. He was shot through the arm at Pontotoc, Miss., July 1, 1864. He was with Thomas at the battle of Nashville, where he was very severely wounded by a shot through the left side. He was mustered out of the service, Oct. 31, 1865. During the war he was one of the youngest members of his regiment

and was promoted to the rank of second lieutenant, and later, first lieutenant of his company. He is a member of the G. A. R. and the Loyal Legion. Mr. Abbott began the study



OTHMAN ALI ABBOTT

of law while in the service, buying his first law books at Montgomery, Ala. He was admitted to the bar in 1867, at Belvidere, Ill., after studying law for two years in the office of Ira M. Moore. He removed to Nebraska the year the territory was admitted as a state, and settled in Grand Island. He built his first law office himself on property that afterwards sold for $22,000. He has always been one of Nebraska's most industrious tree planters, and has done a great deal for the culture of trees in a region where many people once believed they would not grow. Mr. Abbott was married Feb. 9, 1873, to Miss Elizabeth M. Griffin, a graduate of Rockford (Ill.) seminary, who was then principal of the high school in Sycamore, Ill. They have a beautiful home in Grand Island, and a fine private library. They have four children: O. A. Abbott, Jr., court reporter, 11th judicial district, under Judge James R. Hanna; Edith, a writer for *Harper's Weekly*, and now doing post-graduate work in Chicago university on a scholarship, with two others from Nebraska who also won scholarships; Grace and Arthur Griffin. In 1872 Mr. Abbott served an unexpired term in the Nebraska state senate, and was a member of the constitutional conventions of 1871 and 1875. He was the first lieutenant governor of Nebraska, elected in the fall of 1876, and served from Jan. 4, 1877, to Jan. 9, 1879. Mr. Abbott's father was an abolitionist, a free soiler, and one of the first members of the Republican party, to which the son has always been a loyal adherent. He has always been a zealous student of law and politics and earnestly devoted to his profession. Mr. Abbott has the largest law library in central Nebraska, consisting of nearly 3,000 volumes of reports and text-books. His first case in the supreme court reports was Shoemaker v. The School District, recorded in vol. 5, and there is no volume since issued but contains one or more cases in which he was counsel.

ALBERTSON, ALEXANDER HAMILTON, Nebraska pioneer, settled on government land in what is now Colfax county, near the present town site of Schuyler, in 1856. Before emigrating to Michigan, he had married Sarah Toncray, who, with their one child, Rickliffe, accompanied him to their new home in Nebraska territory. The accompanying engraving from an old daguerreotype represents the Albertson family as they appeared the day they started for the West. Mr. Albertson died in 1866, and the Omaha *Herald* of July

ALEXANDER H. ALBERTSON, WIFE, AND SON RICKLIFFE—1855

27, 1866, Dr. George L. Miller, editor, had the following notice: "We regret to learn that Mr. Alexander Hamilton Albertson, one of the oldest and most respected citizens of Platte

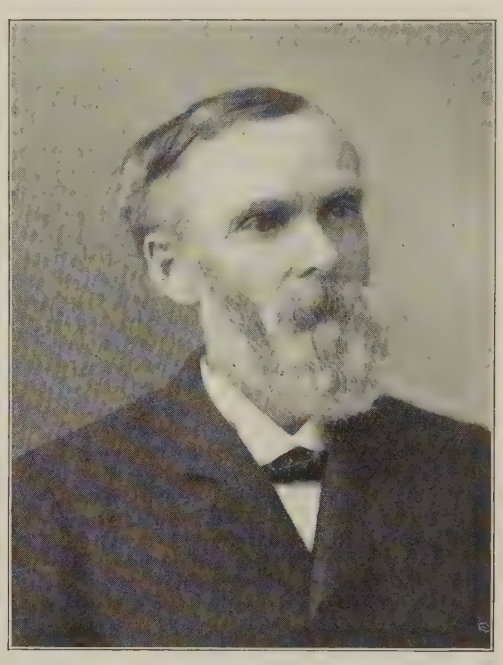
county, died a few days since. Thus has gone from us another of the early settlers of Nebraska. One by one they pass on in melancholy procession to the grave. Not many years will elapse before those who have laid the foundation of civilized society in Nebraska will have passed away. We could wish that some permanent memorials could be had of those men whose names are so honorably identified with our history." Mr. and Mrs. Albertson had two children: Rickliffe Leigh Albertson of Chicago, and Cora May, wife of Dr. L. B. Smith, Fremont, Neb. Mrs. Albertson is still living and resides in Fremont, Neb.

ALBERTSON, RICKLIFFE LEIGH, son of Alexander H. and Sarah (Toncray) Albertson, was born in Michigan, in 1852, and came to Nebraska with his parents in 1856. Rickliffe Albertson received a thorough education in the public schools, and at the age of twenty years entered the employ of the F., E. & M. V. Ry. Co., now the C. & N. W. Ry. Co. By diligent efforts and close application, he worked his way up to the position of superintendent of the "Narrow Gauge" with headquarters at Deadwood, S. D. After thirty-two years of railroading in the West, during which time Mr. Albertson had a large part in the settlement and development of northwestern Nebraska, he

RICKLIFFE LEIGH ALBERTSON

identified himself with the Pere-Marquette R. R. Co., as expert accountant, with headquarters in Chicago. In 1877 Mr. Albertson was married to Miss Imogene Seely. They have a family of six sons and two daughters: Charlotte May, now Mrs. Taylor Steen of Washington, D. C.; Alexander, Rex, Marcus, Rickliffe Leigh, Jr., Imogene, Lewis, and Neal, all residing at home with their parents in Chicago.

ALEXANDER, SAMUEL, first postmaster of Hastings, Neb., was born in Butler

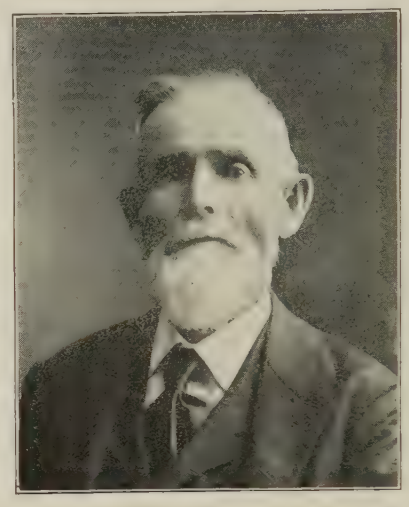


SAMUEL ALEXANDER

county, Pa., Jan. 16, 1842. His parents, William and Agnes (Black) Alexander, were born in Ireland, the former in 1801 and the latter in 1809. They came to America in 1837 and settled in Pennsylvania, where Mrs. Alexander died in 1844. In 1855 Mr. Alexander and his family removed to Jackson county, Iowa, and later to Missouri, where they remained until 1861, when they again became residents of Iowa, settling in Page county. William Alexander some years later became a resident of Nebraska and died in Pawnee City, in 1879. Samuel Alexander had only the advantages of a common school education. He was reared as a farmer, and from an early age earned his own livelihood. In his nineteenth year he joined Co. F., 1st Regt. Neb. Vol. Inf., at Sedalia, Mo., and served until Feb., 1863, when he was discharged on account of physical disability, leaving his company at Memphis, Tenn. In Aug., 1864, he had regained his health and rejoined his old

company, and was finally discharged at Omaha, July 1, 1866. After one year spent in Iowa he became a grading contractor on the U. P. R. R. in western Nebraska. In 1869 he settled in Lincoln, and there engaged in digging wells and excavating cellars, and for a time was janitor of the state house. In 1872 he settled on a quarter-section of land in Denver township, Adams county, and this land is now a part of the site of the city of Hastings. In July, 1872, he built the first business house in Hastings, on what is now block 27 of the original town plat. In this building he started a small general store, and in Oct., 1872, a post-office was established at the place and Mr. Alexander was appointed the first postmaster, his commission being signed by President Grant, and he held this office nine and a half years. His fees from the office the first year amounted to $12, and when he left the office the salary was $2,000 a year. He was one of the organizers of the First National bank of Hastings, in which he has been a director since its charter was granted, and is also a stockholder in the Nebraska Loan and Trust Co. In politics he has always been a republican, and in 1885 was elected mayor of Hastings on a no-license ticket. He is a member of the Presbyterian church, and was one of the first members of the first church organized at Lincoln, and one of the organizers of the church at Hastings. He was married in 1870 at Brownville, Neb., to Hattie R., daughter of Dr. A. R. and Harriet Phillips, and a native of Pennsylvania. They have five children: Agnes E., Rachel M., Esther H., Francis P., and Samuel R.

ANDERSON, DAVID, pioneer, South Omaha, Neb., was born in 1832, in a log cabin of the usual design of that period located near the banks of the Brandywine, in Chester county, Pa. His grandfather entered the colonial army under the leadership of Gen. "Mad" Anthony Wayne. His father served under "Old Hickory," Gen. Jackson, at the battle of New Orleans; and John Hart, one of the signers of the Declaration of Independence, was a great-uncle of Mr. Anderson. When fifteen years old David Anderson left the farm to serve an apprenticeship in the city of Philadelphia. After four years of this service, he began his travels, his route leading over the western and southern states. At Natchez, Miss., in Dec., 1854, he married Miss Mary E. Deaver. Mr. Anderson was reared a democrat by his father, but became a republican before he had attained his majority, when that party was first formed. He occupied a seat in the first national Republican convention that assembled in Philadelphia in 1856, continuing to vote for every republican President down to the administration of



DAVID ANDERSON

President Roosevelt. He began his business career in 1855, continuing to be his own employer during his manhood days. Mr. Anderson became a traveler and pioneer of two states in the spring of 1859. He, in company with nine other adventurous young men, traveled with mule teams over the Canastota pike and Allegheny mountains to Pittsburg. Here they, with hundreds of others, embarked on board a steamboat bound for Leavenworth, Kan. At this city, then a mere hamlet, a week was spent outfitting and preparing for a long, tedious, and dangerous trip over the "plains," to Pikes Peak, the new "El Dorado." They were confronted with 600 miles of a barren waste, inhabited only by wild animals and hostile Indians, but these brave emigrants dared to risk poverty, starvation, and death to gain their desires. Fifty-two days were consumed on this voyage of uncertainty and vicissitude; all manner of hardships, privation, and danger were experienced in many deadly conflicts with the wily Arapaho and Cheyenne Indian tribes. Cyclones and the ever-present scarcity of water for man and beast were dangers added to the other perils. At last Pikes Peak was seen eighty miles in the distance. A few more days of travel, and the train arrived at Cherry creek, on the present site of Denver. Here were a few log huts, built and occupied by some sturdy mountaineers and prospectors who had preceded them. Mr. Anderson painted the first building erected in Denver;

he established and operated the first mail route in the Rocky mountains; and he discovered the only feasible wagon road leading from the valley into the mining districts, thus averting the herculean task of climbing the almost perpendicular heights of the lower mountain range. This important enterprise eventually opened up what is denominated "Eight-Mile Gulch," terminating at Guy Hill. Afterward, however, it was operated as a toll road by a speculative genius, who reaped the benefit of Mr. Anderson's exploit. Mr. Anderson was present at the first marriage ceremony, and observed the first hanging bee at Golden City. He assisted in cutting down, off one tree, three evil doers who were hung by the vigilance committee. He also occupied a seat in the first territorial convention that met in Golden City. He counted among his friends Mr. Gregory and Green Russell, who made the first discovery of quartz and gulch gold dust; Amos Stock, Denver's pioneer postmaster; Kit Carson, and many other noted personages who figured prominently in the early settlement of Colorado. He was the owner of an original share (32 lots) in Denver, which he allowed to be sold for taxes during the war. In the spring of 1861 Mr. Anderson settled with his family on a ranch and farm in the Platte valley, eight miles east of Columbus, Neb. "This farm lay on the old California trail, and at that time the whole locality was beyond the rain belt, consequently the labor of many seasons was entirely lost on account of severe droughts, grasshopper raids, etc." He freighted the lumber from Omaha, at a cost of $80 per thousand feet, to build a schoolhouse within half a mile of his home. The Pawnee braves were continually pilfering from the settlers, but the squaws were of great benefit, especially during the war, in performing the menial labor of the farms, such as chopping wood, digging potatoes, etc. The faithful wife and little ones contributed largely to the outdoor labors. A large grove of timber stands to-day on that farm as a stately monument to the industry and foresight of that frugal family of pioneers. Fifteen years were spent by the family on that old homestead in stock raising, farming, and ranching. In 1876, the farm was disposed of, and Mr. Anderson moved into Columbus, immediately engaging in the shipment of live stock. Soon he gained a prominent position as the largest stock shipper in the state. When the Stock Shippers' association was organized at South Omaha in 1885, Mr. Anderson was elected its first vice-president. On the establishment of the stock-yards and packing plants, he was among the first patrons of that market. On account of old age, together with the hardships and personal risks incident to the shipping business, he abandoned that line and removed with his family, in the fall of 1886, to South Omaha, intending to make that rapidly growing young city his permanent home. Here he engaged in the real estate and loan business. In his new field of labor he soon became an important factor in the upbuilding and progress of the town. He was closely identified with all of the early local improvements, besides erecting twenty buildings of his own. He organized and was elected president of the first republican club, and helped to organize the board of trade, serving as an executive officer of that useful body several years. He was also one of the principal proprietors of the South Omaha Heat, Power, and Light Co., and was for a long time one of its directors. He was also vice-president and director for six years of the local building and loan association, besides in later years serving as president of the Tax Payers' league. Although an active politician, Mr. Anderson was never an office seeker. The only political positions he ever held were county commissioner, school director, and township assessor. He has seen and listened to speeches delivered by every President from Andrew Jackson down to Roosevelt. He has visited every large city, state, and territory in the Union. He was never addicted to the use of whisky or tobacco in any form. While now he has arrived at the good old age of seventy-three years, he is active and healthy, without an ailment. In 1875, while on his farm, Mr. Anderson wrote the manuscript for a book of 400 pages entitled "Over the Plains," "Roughing in the Rocky Mountains" and "Fifteen Years in the Wilds of Nebraska." Owing to the pressure of business Mr. Anderson never expended time or money to have this work published. These writings were not of fiction, but minutely described the stern realities of his checkered and romantic career. They related to his own experiences and observations during a long and strenuous life of toil, hardship, and deprivation. During the last few years Uncle "Dave," as he is now familiarly called, has spent the winters with his good wife in the Gulf region of southeast Texas, Houston, Galveston, and San Antonio, southern California, Old Mexico, Cuba, and Florida. At present Mr. Anderson is a member of and contributor to the Nebraska State Historical Society, the Pioneers of Nebraska, the Pennsylvania Society of Omaha, and the Independent Order of Odd Fellows of South Omaha, lodge No. 148, and the state grand

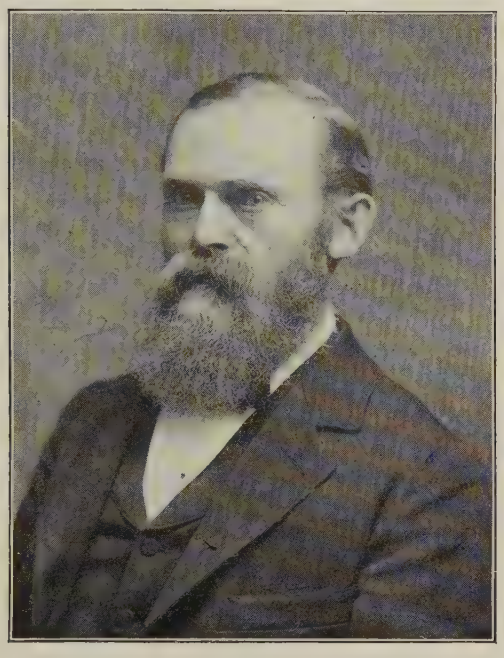
lodge of this jurisdiction. Dec. 12, 1904, Mr. and Mrs. Anderson appropriately celebrated their golden wedding, at their home in South Omaha.

ANDERSON, HANS P., farmer and stockman, near Dunbar, Neb., son of Ole and Martha Anderson, was born near Christiania, Norway, Mar. 10, 1840. He was educated in the schools of his native country, and until he was eighteen years of age assisted his father at farm work. In 1859, with his parents, he came to America, and after spending a few months in Wisconsin, where his father searched for a suitable location, in the fall of 1859 moved to Nebraska. The winter of 1859–60 was spent at Nebraska City. In the following spring his father purchased a section of land four miles from the site of the present town of Dunbar, and on this farm the son now resides. For a year after settling in Nebraska young Anderson worked as a farm hand, receiving for his services $12 a month. Then he joined his father in farm work, and has since been continually on the farm. He has been successful in all his undertakings, and has given especial attention to the raising of cattle and hogs. His farm is one of the best improved in the county, and Mr. Anderson, while not a man of great wealth, has a sufficiency of worldly goods to live in comfort and without worry. He has large financial interests in the county, is the vice-president of the State Bank of Dunbar, vice-president of the Bank of Lorton (Neb.), and has been an important factor in financial enterprises of the county for a number of years. He has always been a republican since becoming of age. He was married Oct. 22, 1895, to Gertrude, daughter of Nels P. Lundburg, a native of Sweden, and has four children: Helen M., Bertha S., Ole P., and Carl Anderson.

ANDERSON, OLE, deceased, was born in Norway, near Christiania, June 10, 1810. He was descended from a family of Norsemen, noted in early days as warriors and later as peasant agriculturists. He received a thorough military education in the government schools of his native country, and at the age of nineteen joined the royal military service of Norway and served ten years. Then he commenced farming, which he carried on with moderate success for twenty years. He came to America in 1859, and for six months lived in Wisconsin. In the fall of 1859 with an ox team he drove from Wisconsin to Nebraska City, Neb., where he remained over winter, then settled on land four miles south of the site of the present village of Dunbar, which is the farm now occupied by his son, H. P. Anderson. On this tract of land he resided until his death, Dec. 23, 1893. The farm contains a section of land, and for the first 160 acres Mr. Anderson paid $350. During thirty-four years of his life in Nebraska Mr. Anderson was one of the most conscientious and faithful workers for the good of the community, and at his death in his eighty-third year many mourned his loss. He always held out a helping hand and gave encouragement to those who sought a home near him, and in every way was a model neighbor. He was a lifelong member of the Lutheran church, in which he was prominent. He was twice married. His first wife was Bertha M. Estergord, a native of Norway, who died eighteen months after she was married, leaving one son, Hans P. Anderson, who resides on the old homestead. For his second wife, he married Regna, daughter of Mecall Ille, also a native of Norway and born near Christiania in 1844. Of this union three children were born, two of whom are living, Anna, the wife of James Swanson of Otoe county, and Miss Martha Anderson. One child died at the age of four years. Mrs. Regna Anderson died in 1876.

ARENDS, JOHN HENRY, pioneer freighter and merchant, Syracuse, Neb., was born in Hanover, Ger., Apr. 15, 1842, son of Ricke Arends, a linen manufacturer, and Margueritte (Teten) Arends. In the spring of 1854 the Arends family emigrated to the United States and settled upon a farm in Madison county, Ill. Five years later they removed to Nebraska, settling on a farm near Talmage. John Henry Arends acquired the rudiments of education in the schools of his native land, and gained a knowledge of the English branches in the public schools of Illinois. In 1860–61 he began freighting by ox-team across the plains, carrying supplies to the forts and settlements. In 1862 he became a clerk in the old Seymour House at Nebraska City, and a year later began his career in the mercantile business as a clerk in a store in the same town. He held this place until 1867, when he became a member of the firm of Korff & Arends of Nebraska City. This firm was dissolved in 1877, and the following spring Mr. Arends removed to Syracuse, Neb., where he opened a general store, which he has successfully conducted for over a quarter of a century. Some time later he started branch stores at Geneva and at Elmwood, Neb., the business at the former place being conducted under the firm name of Mohrman & Arends,

and at the latter place as Roettger & Arends. By economy, good judgment, and untiring effort Mr. Arends has been successful in business. Besides his mercantile holdings he is



JOHN HENRY ARENDS

interested in the Syracuse Lumber Co., of which he is secretary, the Syracuse Milling Co., which is conducted by Messrs. Arends, Larson & Schroeder, is a director and stockholder in the Syracuse bank, and has various other financial interests. He has always been active in encouraging enterprises of benefit to his town and county, and in philanthropic and charitable works. For a number of years he has been a member of the village board of trustees, and of the school board of Syracuse. He has always been a republican, and in 1898 was elected to the state senate, was reelected in 1900, and in both sessions of the legislature was chairman of the finance, ways and means committee and the committee on insane hospitals. He is a member of the Lutheran church. In 1872 he was married to Miss Minnie Georgia Mohrman, and is the father of eight children: Dr. Henry Richard Arends, of Sheridan, Wyo., a graduate of the Philadelphia College of Dentistry; Larsen Harvey Arends, a graduate of the law department of the University of Michigan (1899); Gertrude May, Henry Christopher, Walter Herman, Lucia Mary, Edna Anna, and Margueritte K., who reside at home.

BARNARD, EDWIN HENRY, one of the founders of the city of Fremont, Neb., was born on a farm near Utica, N. Y., in 1830, son of Henry and Rebecca (Munroe) Barnard. His father was a son of Gurdon Barnard, who was a son of William Barnard, a native of Connecticut, of English ancestry, and who removed with his family into the wilds of central New York about the year 1790, and settled in what afterwards became Oneida county. There Henry Barnard was born in 1803, and the birth of Edwin Henry Barnard followed in 1830. Henry Barnard was always a farmer and never wealthy. He married Rebecca Munroe, who was also a native of Oneida county, of Scotch descent. Both were active church workers, and for more than forty years Henry Barnard was either a trustee or a deacon in the Congregational churches to which he belonged, at Augusta, N. Y., and at Fremont, Neb. He held the honorary office of life deacon at the time of his death in 1885 in the latter city.

The early education of Edwin H. Barnard was acquired in the district schools until his tenth year. When he had reached the age of sixteen or seventeen years, however, he went to Augusta academy for two terms, after which he spent a short term in Clinton institute, a Universalist institution. This was succeeded by a brief term at Whitestown seminary, a Baptist school, followed by a course at O. C. seminary in Cazenovia, N. Y., where he completed a mathematical course, including civil engineering and surveying.

Mr. Barnard earned his first dollar at teaching school on a salary of $12 a month, and "boarded around." In 1854 he went to Rock Island, Ill., where he entered the land agency of M. B. Osborn & Son. The following year that firm sent him to Des Moines to assist in the establishment of a branch agency. From that city he removed to Nebraska in Aug., 1856, and settled upon what is now the site of the city of Fremont. With his partner, John A. Kuntz, he had driven from Des Moines with a horse and buggy, looking for a suitable place to start a town. For several years after settling at Fremont Mr. Barnard was engaged chiefly in farming and freighting. About the year 1869, he entered into partnership with George F. Blanchard in the hardware business, the firm name being Blanchard & Barnard. In 1877 he bought Mr. Blanchard's interest in the business and continued it alone until the fall of 1879, when he sold out, and shortly afterward went into the loan and real estate business, which he has been following very successfully

ever since, although his other enterprises have absorbed a great deal of its earnings. He has been ambitious to build up the city of which he was one of the founders, and has invested in nearly every industrial enterprise that was ever projected there. Some of these proved successful, but many did not. He was the heaviest stockholder in several of the largest of them, and sometimes, in his anxiety to have them succeed, advanced money or endorsed for them at the banks, and in this way he suffered losses aggregating more than $100,000 in cash. On the heels of these losses came the great financial depression and shrinkage of values of city and suburban properties, in which he was heavily interested, and this combination of adverse circumstances swept away a great part of his fortune.

In early life Mr. Barnard was a whig, but since its organization, he has been a member of the Republican party. He has served as probate judge and county treasurer of Dodge county, and has been twice elected a member of the legislature. He served in the house of the 8th territorial assembly, in 1861–62, and as a member of the house in the fifth session of the state legislature—1869–70. In the latter body he was chairman of a select committee on revision of the revenue law, and introduced a bill which was adopted. He also introduced a bill giving title to real estate after ten years of continuous, undisputed possession, and another to enable married women to hold and convey real estate the same as if they were single. He vigorously opposed the measure making every section line a public highway, and when it became evident to him that this bill was destined to pass he introduced and secured the adoption of an amendment exempting Dodge county from its operations. Some of his constituents objected to his action on this bill and declared that they would never vote for him again.

Mr. Barnard was not robust enough to be accepted for military service during the Civil war. He belongs to no clubs or societies, but was one of the seven charter members of the Congregational church of Fremont. On the 7th of Apr., 1858, he was married to Emma L. Hodge at Canajoharie, N. Y. She bore him four sons, of whom two died in childhood. The two living are Willis and Ned H. Barnard.

BARNES, FRANCIS M., retired, founder of the town of Barneston, Neb., now residing in Barneston township, Gage county, Neb., was born in Carroll county, Md., May 1, 1863. His father, William Barnes, a steamboat builder at St. Louis, Mo., was a man of moderate means. His mother, Linda (Brown) Barnes, was the daughter of a farmer in Carroll county, Md. Both parents were natives of Maryland, of the agricultural class. Francis M. Barnes acquired a common school education in his native county, and in his youth migrated westward, and earned his first money taking subcontracts for grading on the turnpike road in St. Louis county, Mo. At the age of twenty years he removed to Kansas City, Mo., and engaged in the transfer business. Here he also operated a livery stable and conducted a wholesale grocery. He was elected marshal of Kansas City, serving one term. He then sold all of his business interests and engaged in steamboating on the Missouri and Kansas rivers. In 1859 he disposed of his steamboat interests and removed to Nebraska, going first to St. Stephens township, Richardson county, looking for farming land. Since this date Mr. Barnes has been a continuous resident of Nebraska, and has engaged in various occupations. He established a cattle ranch on the Otoe reserve shortly after coming to Nebraska, and has since largely followed ranching and the cattle business. He founded the town of Barneston, Gage county, which was named in his honor, and devoted himself to the upbuilding of the town. He was one of the incorporators of the Bank of Barneston, and elected its first vice-president. In 1900 he retired from all business life, but still resides on his farm in Barneston township. Mr. Barnes cast his first presidential vote for James Buchanan, and his last for Theodore Roosevelt. He has served in various governmental positions, as postmaster at Otoe agency, post trader, commissioner of the Otoe tribe in 1876, and appointed government appraiser the same year, and again in 1881. He was appointed by the government as special agent for the Otoe lands until the same were sold. When the Indians left Nebraska Mr. Barnes remained and devoted his time to his large business interests. He is a member of the Masonic order, which he joined at Marysville, Kan., in 1878. He also united with the Ancient Order of United Workmen in 1881, and was made an Odd Fellow as early as 1857. He is a member of the Methodist Episcopal church. Mr. Barnes was married, in 1856, to Mary Jane Drips, daughter of Major Andrew Drips, prominent as Indian agent and fur trader, whose biography will be found on page 72 of this volume. Six children have been born to Mr. and Mrs. Barnes: Gertrude, Katherine, William, Charles Grant, Emmett F., and Frederick H. Barnes.

F M Barnes

BARNES, MARY J. (DRIPS), wife of Francis M. Barnes, Barneston township, Gage county, Neb., was born on the present site of Bellevue, Neb., Nov. 15, 1827. She was the eldest daughter and second child of Major Andrew Drips, and his wife, Ma-com-pli-mie, an Otoe woman. Major Drips, whose biography and portrait appear on page 72 of this volume, was one of the first white men to cross the continent as a trapper and trader. Through a recent interview with Mrs. Barnes much additional information concerning her father has been secured that was not available when the first part of this volume was printed. He was of Irish descent. He served in the War of 1812, was mustered out at New Orleans, and immediately engaged with the American Fur Co. He was placed in command of a freight boat of merchandise bound from New Orleans to the Indian country via St. Louis. It is said that one year's time was consumed on the journey between New Orleans and St. Louis, and another year was required to reach Ft. Sibley, Mo., where most of the trading with the Otoe Indians was done. About 1815 or 1816 he went up the river as far as Bellevue, Neb., for the purpose of trade. Major Drips first married Ma-com-pli-mie, an Indian woman of the Otoe nation, in 1822 or 1823. They had five children: Charles A., born at Bellevue, Mar. 27, 1824; Mary J., born at Bellevue, Nov. 15, 1827; Katharine, born at Peters Hole, Rocky mountains, Ore. territory, who married William Mulkey, and died in Kansas City, Mo., in 1904; William, born in the Rocky mountains, Aug. 12, 1834; Glorvina, born in the same place Sept. 6, 1836. When Charles A. was five and Mary J. two years old they were sent by their father to St. Louis, and John B. Sarpy was made their guardian. They were placed by their guardian in the family of Joseph Wells to be cared for and educated. A few years later Mary was sent to the Convent of the Visitation at Kaskaskia, Ill., and Charles was sent to St. Mary's college at Perryville, Mo. Major Drips made several journeys across the plains, and after his connection with the American Fur Co. he had a trading post at Ash Point, seventeen miles below Ft. Laramie. In 1852 his daughter Mary crossed the plains with him to Ash Point, and again in 1853. About 1840 Major Drips removed his family to the present site of Kansas City, and there his first wife died in 1846. He was later married to Louise Gerue, the daughter of Louie Gerue, a Frenchman, and his wife who was an Indian woman of the Sioux tribe. In 1856 Mary Jane Drips was married in Kansas City to Francis M. Barnes, and three years later they removed to Nebraska territory. Mrs. Barnes, now in her seventy-ninth year, is one of the oldest living women born on Nebraska soil.

BARNUM, EVANDER W., deceased, a pioneer of Cass county, was born in Middlefield, Otsego county, N. Y., Sept. 28, 1826, and died in Cass county, Neb., Dec. 26, 1898. His ancestors for several generations were prominent in New England. His father, Lewis Barnum, was born in Otsego county in 1790 and spent his life there. E. W. Barnum was the fifth child and the third son of his father's first marriage. He was educated in his native county, performing the work usually falling to the lot of a boy at that early day. After arriving at manhood's estate he began working for himself, and soon afterwards met and married Miss Eliza Gilchrist, who came of Scotch parentage, and who was born in Otsego county, Feb. 28, 1832. Immediately after their marriage Mr. and Mrs. Barnum started for the territory of Nebraska, arriving in the spring of 1857. Mr. Barnum and his two brothers, Thomas J. and Lewis, each preempted 160 acres of adjoining land in what afterwards became Liberty precinct, Cass county. Upon these claims the brothers spent their best efforts, and in a few months saw the prairie give way to cultivated farms. Thomas J. Barnum remained in Nebraska but two years, removing then to New Mexico. During the latter years of his life he made his home in St. Louis, where he died in 1880. He was a member of the firm of Barlow, Sanderson & Co., mail route contractors, and acquired a large fortune. Lewis Barnum went to Colorado in 1862, and died in Pueblo. Evander W. Barnum retained his original quarter-section until his death. By untiring industry and dauntless energy he subdued the prairie, builded him a home, and steadily added to his land holdings, until he owned a section of the best land in Cass county. He brought this land to a high state of cultivation, and erected upon it the most modern and convenient farm buildings. He early became interested in fine stock, and devoted considerable of his time to improving the breeds upon his farm. With others he organized a live stock association, and was elected president. This association exerted a powerful influence in bettering stock conditions in eastern Nebraska. Mr. Barnum was recognized as a man of ability, honesty of purpose, and zeal for the upbuilding of the country. A staunch republican, he took a prominent part in the politics of the territory, and in 1860

Mary L. Driggs Barnes.

was elected to represent Cass county in the territorial legislature, and was reelected in 1861. In 1873, he was elected to the state senate, serving in the ninth and tenth sessions. For a number of years prior to his death Mr. Barnum held the position of justice of the peace. He died upon the old homestead where he had spent so many happy years, his faithful wife, the sharer of his pioneer trials and his subsequent successes, by his side. To Mr. and Mrs. Barnum was born one son, Thomas G., who lives upon the old homestead. Thomas G. Barnum married Miss Hattie Pollard, daughter of Isaac Pollard. One child, Vernie Pollard, was born to them in 1884, and is now (1905) a student of the state university.

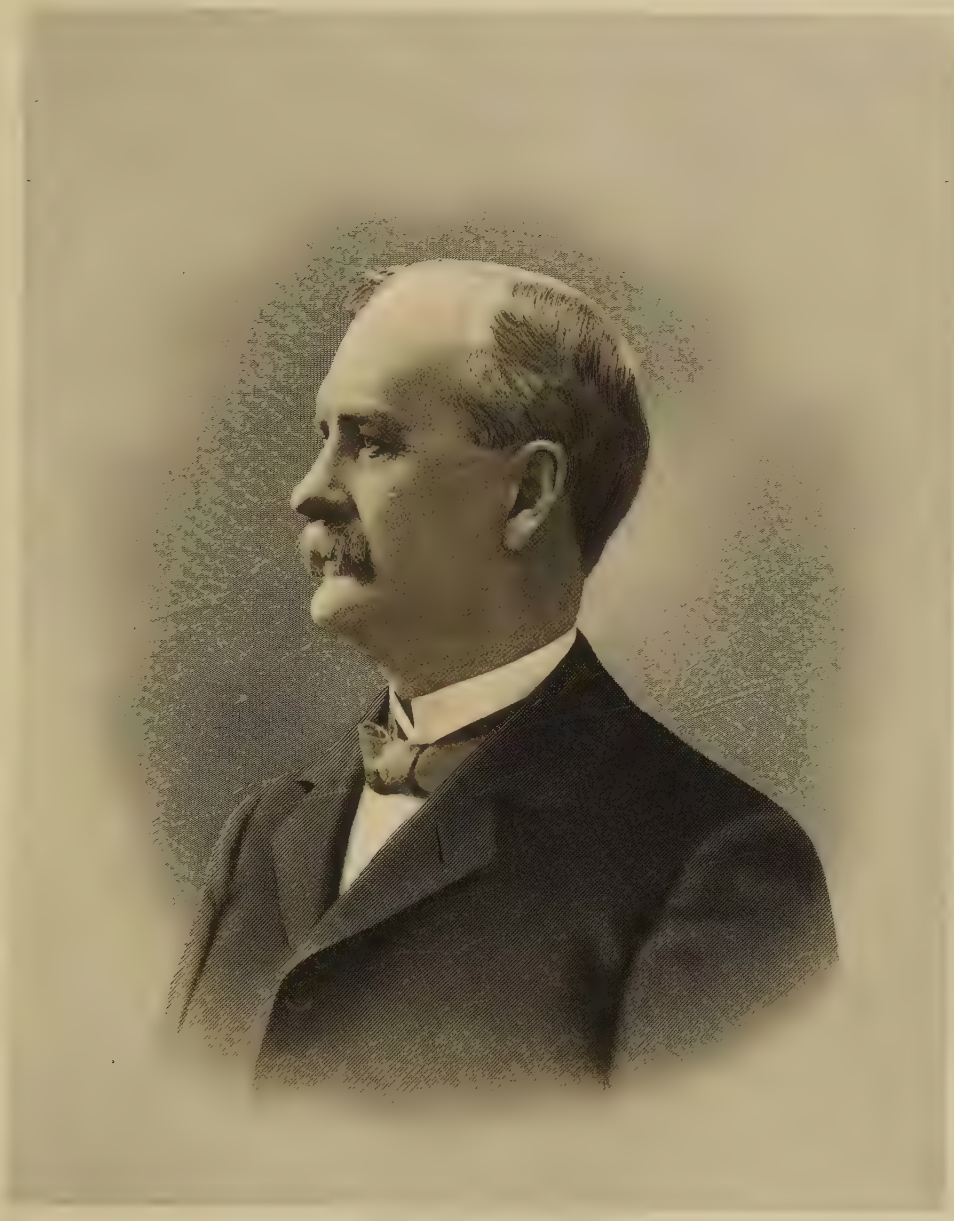
BARTON, GUY CONGER, capitalist, Omaha, Neb., was born in Carlisle, Lorain county, O., July 1, 1839, his father being a farmer in poor circumstances. It is natural that the makers of our new commonwealth, accustomed to their "free and equal" conditions and strenuous life, should think little of pedigree and regard pride of birth with some disdain, but Mr. Barton's life affords new proof of the maxim that blood will tell. The Bartons of Barton Hall were an ancient family in Lancashire, Eng., having branches in Ireland and Scotland. There was also an old family of Bartons of Smith Hills in the same county, recorded in Harold's Visitation of 1567, but subsequently established in the county of Chester. Rufus Barton, founder of the American family, from which Guy C. Barton sprung, was a Quaker who fled from England about 1620 and settled in New Amsterdam (now New York), and afterward fled from the persecution of the Dutch of Portsmouth, R. I., about 1640. From him the line of descent is as follows:

| | DATE OF BIRTH | WIFE |
|---|---|---|
| 1. | Rufus, 1600. | —— Hunnewell. |
| 2. | Benjamin, 1645. | Susannah Gorton. |
| 3. | Andrew, 1674. | Rebecca Low. |
| 4. | Andrew, 1707. | Sarah Waterman. |
| 5. | Caleb, 1749. | Margaret Congdon. |
| 6. | Joseph, 1787. | Polly Sexton. |
| 7. | Aiken Sexton, 1812. | Eliza Ann Conger. |
| 8. | Guy Conger, 1839. | Sophia H. De Wolfe. |

Aiken Sexton Barton, father of Guy C., was born in Charlotte, Chittenden county, Vt., in May, 1812, removed to Lorain county, O., in 1836, and died at Doniphan, Kan., in 1860. During his residence in Vermont he was a major in the state militia. His wife was Eliza Ann Conger.

During his early boyhood Guy C. Barton acquired a common school education in the preparatory department at Oberlin college, but was obliged to forego further schooling, at the age of sixteen, to relieve his father of the burden of his support and education. He had no business or professional training other than that which comes from experience, reading, and close application. The first dollar he earned was as a clerk in the general store of E. C. Babcock & Sons, at Monmouth, Ill., where he was employed in 1856 and 1857, his wages being $100 a year with his board and washing. In the latter year he removed to St. Joseph, Mo., on the offer of his father's cousin, the late Albe M. Sexton. There he was a clerk in the stores of Donnell & Sexton and Stix & Eckhart until after the election of President Lincoln in 1860, when he was appointed assistant postmaster under Major John L. Bittinger. In 1862 he formed a partnership with Charles D. Woolworth, a brother of James M. Woolworth of Omaha, in the business of forwarding freight from the Missouri river to Colorado, Utah, and Montana by wagon trains. The construction of the U. P. R. R. compelled the firm to establish warehouses at North Platte, Julesburg, and finally at Cheyenne, where, in 1868, they disposed of their business to Megeath, Miller & Co. of Omaha.

Mr. Barton removed to Nebraska from St. Joseph in 1869, having formed a partnership with L. S. Bent in carrying out construction contracts on the U. P. R. R., but was also engaged in the cattle business with M. C. Keith, and settled for that purpose at North Platte, Lincoln county. There he remained until Apr., 1882, when, having purchased a controlling interest in the Omaha Smelting and Refining Co., he removed to Omaha. Under his guidance a consolidation was effected with the Grant Smelting Co. of Denver, and the business has grown until now the plant of the company in Omaha is reputed to be the largest in the world. But Mr. Barton's fine business talent has not been confined to this enterprise. He was one of the incorporators of the Omaha and Council Bluffs Railway and Bridge Co., which in 1888 completed the Douglas street bridge across the Missouri river at a cost of $750,000, connecting the cities of Council Bluffs and Omaha. Associated with him in this enterprise were Joseph H. Millard and Frank Murphy of Omaha and John T. Stewart, T. J. Evans, and George F. Wright of Council Bluffs. In 1883, in company with S. H. H. Clark and Frank Murphy, he had acquired an interest in the first Omaha



Guy C. Barton

street railway line, and the present street railway system of Omaha, in which Mr. Barton still retains a considerable interest, has been developed under their direction. He was a director in the incorporation of the Omaha Loan and Trust Company Savings bank in 1888, and was one of the incorporators of the Sperry Electric Light Co., organized in 1883, which proved unprofitable and was subsequently consolidated with the New Thompson-Houston Electric Light Co. of the present day.

Mr. Barton's political record began with the casting of his first vote for Abraham Lincoln at St. Joseph in 1860. He was a member of the Union League club during the war, the only secret society he ever joined. Being engaged in the postal service, he did not go to war. His party affiliations were always republican until the campaign of 1896, when he voted for William J. Bryan on the issue of the free coinage of silver. In 1870 he was elected treasurer of Lincoln county, Neb., and was sent to the state senate from that county in 1872 and again in 1874.

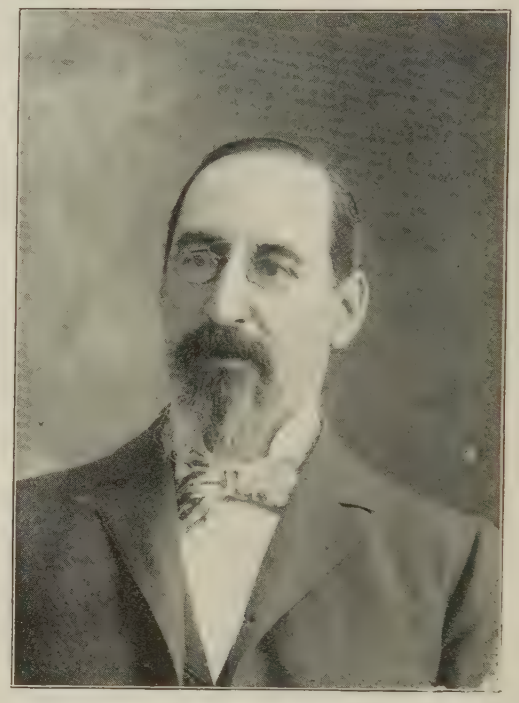
In 1862 at St. Joseph, Mo., Mr. Barton joined the Congregational church, of which he was a deacon up to the time of his removal to Nebraska. He has never taken a letter from his church or joined any other. He was married Nov. 22, 1860, at St. Joseph, to Sophia H. De Wolfe. They have three children: Frankie, wife of W. B. Millard; Jessie, wife of George A. C. Christiancy; and Charles. All were born at St. Joseph, Mo.

BEALL, ROGER TANEY, was of good lineage and born about the year 1836 in Cooperstown, N. Y. Samuel W. Beall, his father, was a native of Virginia, and married Miss Elizabeth F. Cooper, a niece of James Fenimore Cooper. He was an accomplished gentleman, of good education, fine presence, and courtly manners, and his wife was noted for unusual grace, culture, and intelligence. Three sons, of whom Roger T. was one, and several daughters were children of this marriage. The family removed to northern Wisconsin while it was still a territory, and during many years' residence there were influential in the social and political life of that territory and state. Mr. Beall was a member of the two constitutional conventions which preceded the admission of Wisconsin into the Union, and a few years later was elected lieutenant governor of the state. In the spring of 1857 Roger T., then living in his father's family at Fond du Lac, Wis., and E. A. Allen of Whitewater, in that state, removed to Nebraska with Judge Eleazer Wakeley, then recently appointed associate justice of the supreme court and assigned to the 3d judicial district. Beall was soon afterward appointed clerk of the court for that district, and held that position until William F. Lockwood succeeded Judge Wakeley in the spring of 1861. Meanwhile he and his friend Allen had settled in De Soto, Washington county, then a river town of considerable promise, but which gradually fell into decadence, and what remained of it was finally absorbed by the town of Blair, founded in 1869, and made the county seat. Forming a copartnership, the firm of Beall & Allen engaged in real estate and affiliated pursuits, and became active and influential in local and county affairs. Afterwards they both removed to Omaha, where Beall was engaged for a time in the business of insurance, and Allen carried on a drug store in the old Pioneer block. Beall was subsequently connected with a post tradership, spending some time in the West, and died at the military post near Salt Lake in 1874 or 1875. Allen removed from Omaha and died at Kansas City, Jan. 8, 1898. Beall was a bright, genial, companionable man, with great aptitude for making and retaining warm personal friends, of whom he had many wherever he lived. In 1862 he married Miss Nellie Hugus of Omaha, who, with three sons now in active successful business in the city of New York, survives him.

BEALS, SAMUEL DE WITT, was born in Greene, Chenango county, N. Y., Jan. 10, 1826, and died in Omaha, Neb., Apr. 27, 1900. He was a son of Henry and Ruth (Martin) Beals. His grandfather, Captain William Beals, was a seaman and master of a merchant vessel, which put out from Stonington, Conn., just before a severe storm and was never again heard from. His grandfather, Samuel Martin, of Coventry, N. Y., was in the Indian war of the Mohawk valley and at the burning of the village of Schenectady in 1790, barely escaping with his family. S. D. Beals attended the village schools in his youth and was afterwards a student in a private school in Coventry. In 1842 and 1843 he attended the academy at Oxford; in 1844 and 1845, the academy at Norwich, N. Y., of which the late Benjamin F. Taylor was principal. His health failing, he continued his school work at home under private tutors. All his life he was an earnest student and accumulated a large library of valuable works. In 1848 he was given a farm by his father, but after a very few years was obliged to give up rural life on account of ill health. In 1858

he was made principal of the Union school in his native village. Mr. Beals removed to Omaha in 1861, and at once opened a private school in the old state house building, which was known for six years as the Omaha high school. It opened with seven pupils, but before the end of the year, the enrolment exceeded ninety, and assistant teachers became necessary. He closed the school in May, 1867, and accepted an appointment as clerk to Thomas P. Kennard, secretary of state. The following year he was appointed private secretary to Gov. David Butler, and in 1869 was made state superintendent of public instruction. The duties of this office were difficult, but faithfully performed by Mr. Beals, who laid many plans which resulted in the advancement of the public school system. He raised the standard of teachers, and to his supervision and unselfish administration Nebraska owes much of her educational prosperity. In the fall of 1873 he was nominated by both political parties as county superintendent of public instruction for Douglas county. He was elected, but resigned in 1874 to become superintendent of the Omaha schools, to which office he was elected six successive terms. After the expiration of his last term as superintendent Mr. Beals taught in the Omaha high school. He was an ardent member of the Congregational church with which he affiliated from early youth. While a resident of New York he was chosen several times as lay delegate to the Presbytery, and once represented the people at the Synod of Susquehannah at Walton, Delaware county, N. Y. The Presbytery at a session held in Norwich, N. Y., chose him its lay commissioner to the general assembly of the Presbyterian church at St. Louis, Mo., in 1857. Mr. Beals was married June 28, 1847, to Grace Elizabeth Williams, daughter of Samuel and Sarah Williams of New York. Two children were born to them, Emma Elizabeth and Clara Williams. Both died in Omaha, the former Dec. 8, 1870, and the latter Jan. 15, 1869. Mrs. Beals survives her husband and resides in Omaha.

BEAR, ALEXANDER, M.D., Norfolk, Neb., was born in Warrenton, Va., Feb. 4, 1840. His father, Emanuel Bear, was born in Bavaria, Prussia, 1802, and in 1838 came to America with his family and settled in Fauquier county, Va., where he died at an advanced age. He married Caroline Bachrach—who was also a native of Bavaria, born in 1804—and was a merchant at Warrenton, Va., up to the time of the Civil war, when he removed to Richmond, Va., where he was engaged in the mercantile business until his death in 1887. Dr. Alexander Bear attended the public schools and the high school of his



ALEXANDER BEAR, M.D.

native town. He was prepared for college at the preparatory school of the University of Virginia at Gordonville, and after a year's attendance at the university entered the medical department of the University of Maryland, where, after three years of study, he was graduated in 1860 with the degree of doctor of medicine. He practiced his profession at Marion, Va., until the commencement of the war between the states, when he enlisted in the Confederate service as a lieutenant in Co. D, 4th Va. Inf. After one year's service he was appointed surgeon, and as such served through the entire war. In 1866 he moved to Nebraska, and in 1867 settled at Fremont, where for two years he followed his practice. In 1869 he removed to West Point, Neb., and remained there until 1872, when he became a resident of Norfolk, which has since been his home, and where he has been highly successful as a physician and surgeon and has attained prominence financially, socially, and politically. He is the most extensive owner of property in the city, including some of the finest business blocks.

For a number of years he has been vice-president of the Norfolk National bank. In 1874 he was elected to the state senate on the democratic ticket, for he has always been a democrat of the old style, and two years later was elected a member of the lower house of the Nebraska legislature. In 1875 a republican legislature elected him a regent of the University of Nebraska. For many years he served as mayor of Norfolk and in various other minor positions, and in 1901 he was elected a member of the Norfolk board of education and chosen president of the board. For some years he has been the local surgeon of both the U. P. and the C., St. P., M. & O. railroads. He is a member of the Nebraska State Medical society, has served as its vice-president, and as president of the Elkhorn Valley Medical society. He is a member of the Masonic order and the Benevolent and Protective Order of Elks. He was married in 1887 to Amelia, the daughter of L. Levy of Richmond, Va., and they have two children, Robinette, born in 1890, and Alexander, born in 1892.

BECKER, JOHN PETER, deceased, Columbus, Neb., was one of the members of the colony from Columbus, O., that settled in Platte county and gave to its metropolis the name it has since borne. He was born in Warsau, Hesse-Darmstadt, Ger., May 29, 1833, the oldest son in a family of ten children. His father, George Philip Becker, was born at the same place, Mar. 13, 1804, and was a carpenter. His mother, also a native of Warsau, was born June 4, 1809, and married George Philip Becker in 1828.

When John P. Becker was but five years old his parents emigrated to America, settling at Columbus, O. There his education was acquired in a private school where only the common branches were taught, but instruction was given in both English and German. At the age of fifteen years he was apprenticed to a carpenter at Columbus, for three years, and at nineteen, his father being ill, the young mechanic took his place and superintended the erection of a four-story brick building known as the Quyne block. That his work as superintendent in the trade which his father had pursued before him was thorough is attested by the fact that the building, after a lapse of over half a century, is still standing at the corner of Town and 3d Sts., Columbus, O., while the then youthful superintendent has passed to his final account.

At the age of twenty-one years Mr. Becker left home and traveled for nearly two years in the middle states, earning his expenses as he went. At the end of that time he returned to Columbus, joining soon afterwards a party organized to go west, and which, in Oct., 1856, settled on the site of Columbus, Neb., and forthwith began the founding of that city. For over two years he lived in the struggling community, and in 1859 he went south to pursue his trade as a carpenter. In 1860 he returned to Columbus, and during that year went with a party to the mountains in search of gold. The expedition was unsuccessful and he returned the same year. From that time until his death Columbus was his home.

In 1863 he embarked in the grocery and general merchandise business, from which he soon branched out into the grain business. In 1869, in partnership with Jonas Welch, he erected the first grist mill in the central part of the state, located just across the line in Colfax county. This enterprise found a ready field of usefulness to the settlers, and was profitable to its operators, for it was patronized by the farmers throughout a territory extending over fifty miles in each direction. Its proprietors also traded in cattle, hogs, and sheep in connection with their milling business. The mill was sold in 1886, but the firm of Becker & Welch existed down to the time of Mr. Becker's death.

Politically, Mr. Becker was always a democrat, and as such he held a number of important offices in Platte county. He was a member of the house in the ninth session of the territorial legislature, in 1864, and in 1866 was appointed by President Johnson as agent for the Pawnee Indians, holding the office for nearly a year. He was a member of the constitutional convention in 1875 and took an active part in its deliberations. He was the first recorder of deeds for Platte county, served one term as mayor of the city of Columbus, and held many other positions of trust and honor. He belonged to the order of Ancient Free and Accepted Masons, and at the age of fourteen years was confirmed in St. Paul's Lutheran church at Columbus, O.

Mr. Becker was married at Columbus, Neb., Apr. 15, 1875, to Miss Philipina Schram. Four children were born to them, of whom two, Minnie Fredericka and Albert Daniel, are still living. Caroline Rebecca and John Peter, Jr., died at the ages of five and two years. Mr. Becker died Jan. 14, 1892. His family still resides in the city of Columbus.

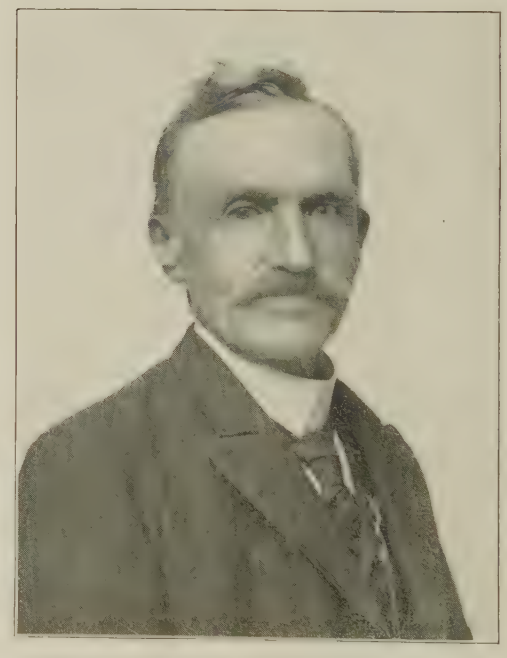
BEGLEY, JOHN, deceased, the first settler upon the land that is now the site of the city of South Omaha, was born in Iglash,

County Kerry, Ire., June 20, 1820, and died in Papillion, Neb., Oct. 21, 1901. Both his maternal and paternal families were of the respectable rural classes, and his father and mother, John and Margaret (Sullivan) Begley, died in the old country. John Begley received a limited schooling in his native land, and when a young man emigrated to America,

JOHN BEGLEY AND WIFE

just preceding the uprising of 1848. In the summer of 1854 he arrived in Nebraska, and on Aug. 1 of that year settled on the present site of South Omaha. He commenced farming and was successful. During his early days in Nebraska he and his young family suffered many privations incidental to pioneer life; yet he was never other than cheerful and hopeful and succeeded in caring well for his family, though not making great progress toward wealth until the city of South Omaha sprang into existence. Then there were many flattering offers made for his farm, which Mr. Begley was finally induced to dispose of. A part of the proceeds was invested in a number of rich Sarpy county farms, and Mr. Begley and his family removed to Papillion, where he resided until his death. On Nov. 17, 1851, Mr. Begley was married at Bellows Falls, Vt., to Miss Mary Wren. To Mr. and Mrs. Begley eight children were born: John Begley, Springfield, Neb.; Margaret, the wife of Mr. James Kennelley of Omaha; Mrs. Ellen Shahan of Omaha; Mary, now Mrs. Tracy of Seattle, Wash.; Daniel Begley, farmer and for a number of years a member of the Sarpy county board of commissioners; Johanna, now Mrs. Flynn; Jane, now Mrs. Calkins of South Omaha; and Patrick Begley, deceased. Mrs. Begley died at Papillion, Neb., Apr. 7, 1902. Mr. Begley and his family were reared in the Catholic faith, and during his many years' residence in Sarpy county and South Omaha he was recognized as a man of the strictest honesty and integrity.

BEINDORFF, CHARLES, pioneer, Omaha, Neb., was born July 22, 1829, in Varel, Ger., in the Grand Duchy of Oldenburg, and is a son of Christian William and Louisa Beindorff, the former a prominent lawyer, having a considerable criminal practice. Charles Beindorff acquired his education in the schools of his native town. The father died when Charles was only twelve years old, and the latter became employed in a grocery store owned by his uncle. After four years he went to Breman and secured a position with a wholesale and commission house. He remained there one year, and having reached the age for enlistment in the army, he emigrated to the United States in order to avoid military service. He reached St. Louis, Mo., in 1850, and was employed in a hardware store six years. Jan. 2, 1857, he moved to Omaha, Neb., where he was employed as draftsman for Poppleton & Byers. The following year he became surveyor for Oscar F. Davis, and then engaged in the ice cream and bakery business for over a year. His principal work,



CHARLES BEINDORFF

however, for a number of years, was in the commission business. He erected the building upon the northwest corner of 13th and Farnam Sts., which he still owns, at a cost of $18,000. Mr. Beindorff is a repub-

lican, but has never desired public office. He was a member of the Home Guards during the war, and served in the defense against the Indians. He is a member of the Lutheran church. He was married Sept. 28, 1858, to Caroline Timme, a native of Germany, but educated in Dubuque, Ia. Their wedding trip was taken overland to Denver by ox team, where they intended to remain. En route they were met by a party of Indians, and Mrs. Beindorff was obliged to remain hidden in the bottom of the wagon bed a long time to protect herself from the curiosity of the Indians. Three children have been born to Mr. and Mrs. Beindorff: Otto L., Omaha; Charles F., deceased; and Wilhelmina, wife of O. P. Burnett, Omaha.

BLACK, ISAAC, pioneer teacher, Bloomington, Neb., was born in Highland county, O., Mar. 30, 1823. His father, David Black, was a contractor and builder of Scotch-Irish descent. His ancestors were especially noted for their longevity, some of the members of his father's family living over one hundred years. Of the ten children in his mother's family, all lived to mature years, and nearly all to a very old age. When Isaac Black was but four years old his parents moved to Pennsylvania, and there he attended the public schools until his sixteenth year. The schools were poor, and not until then did he have opportunity to study in a good school. After mastering all that the country school could offer, he took a partial course at Witherspoon institute, a Presbyterian college, at Butler, Pa., and a complete course at Duff's commercial college in Pittsburg. During these years he alternately taught and attended school. When twelve years old he first commenced to work away from home, and from that time on felt the responsibility of self-support. He earned his first money by carrying off brick in a brick yard, being known as an "off bearer." In the year 1852 he took charge of the mathematical department of Witherspoon institute, and in 1854 was elected county superintendent of public schools for Butler county, Pa., and held that position for three years. For the next three years he was connected with the schools of New Castle, Pa. In 1860 he removed to Nebraska under the auspices of the Presbyterian Board of Foreign Missions, and was engaged as a teacher at the mission school of the Omaha Indians for seven years. He then moved to Peru in order to secure better educational advantages for his children. He made teaching a business for nearly forty years, and taught one term in the mathematical department of the State Normal school at Peru. After leaving the mission school he quit teaching and engaged in the real estate business until he retired from active

ISAAC BLACK

life. He has been a member of the Presbyterian church over sixty years and an elder in the church for upwards of fifty years. In politics, he allied himself with the Whig party when he arrived at manhood and remained a whig until the Republican party was organized, of which he has since been a member. He is a member of the I. O. O. F. and A. F. & A. M. He has been especially active in temperance work, and has been a member of nearly every temperance society founded since 1841. He was married in 1850 to Miss Jane Montgomery of Butler county, Pa. Before she died she became the mother of three children, W. Stewart, James P. A., and a daughter, Nancy Jane, who died in Nebraska, Apr. 23, 1860, aged six months and eleven days. W. Stewart graduated from the Peru Normal school May 26, 1874, and was drowned a few hours after his graduation. The other son is now a successful lawyer and banker at Hastings, Neb. Mrs. Black died while en route from Peru to Bloomington, Neb. On Mar. 4, 1880, Isaac Black married Miss Maggie Ross of Prospect, Pa. Mr. Black is still (1905) a resident of Bloomington, Neb.

BLACKSTONE, NATHAN D., farmer, Decatur, Neb., son of Samuel and Mary Jane (Williams) Blackstone, was born at Harmony, Me., in Aug., 1832. His father was born in Freeport, Me., in Feb., 1794, and died in Nebraska, in Apr., 1887. His mother was born in Pownal, Me., in 1805, and died in Tekamah, Neb., in June, 1889. Nathan D. Blackstone migrated to Wisconsin, where he resided until his removal to Nebraska, in 1859. He crossed the Missouri river on June 24, and settled on Blackbird creek, six miles west of Decatur. After residing there two years he moved to his present location. He entered eighty acres with a soldier's warrant, at $1 per acre, and later homesteaded the adjoining eighty acres at a total cost of $14. It is now one of the best farms in that section, and is valued at $55 an acre. When he arrived in Nebraska his possessions consisted of the clothing he wore, about $10 in money, and a yoke of oxen. He early set out a grove of maple trees, which now measure two feet six inches in diameter. He also planted two orchards, from which he has produced some of the finest apples grown in the county. Industry and thrift have had their reward, and today he is in good financial circumstances. In May, 1863, Mr. Blackstone was married to Miss Amelia Arlington, a native of Pennsylvania. Four children have been born to them, one of whom is living: Lucy May, born Nov. 17, 1865, died Dec. 11, 1865; Percy, born Jan. 31, 1866, died Jan. 31, 1866; Edith H., born Jan. 12, 1869; Herbert F., born Sept. 4, 1871, died June 27, 1885. Mr. Blackstone is a member of the Methodist church, and a leader in all charitable and social works in his community. He is a republican, and looked upon by his party associates as a man of wise counsel and experience.

BOLER, JOHN, Jackson, Neb., was born in Chicago in Dec., 1845, the oldest son of Michael and Ellen (Mansfield) Boler, natives of Dingle, parish of Farrather, County Kerry, Ire. Michael Boler was a sailor on the high seas for twelve years. In 1832 he emigrated to America and settled in New York city, but later removed to Chicago, and followed his occupation as sailor on the Great Lakes for five years. In 1849 he moved to Stephenson county, Ill., where he purchased a farm near Eleroy. John Boler began his attendance at school in a little log house of this county, and here first began work upon the farm. In 1855 his parents disposed of their property in Illinois and moved to Dakota county, Neb., driving with them a herd of twenty-five head of cattle. After considerable trouble they arrived at St. Johns, Dakota county, June 17, 1856, where they purchased 320 acres of Fred Wolfe. John again attended school in a log schoolhouse at St. Johns, Neb., but in 1863 moved with his parents to Denver, where he earned his first money working in a mine. In September of that year he started for Virginia City, Nev., with two yoke of oxen and arrived there in December, the journey having been interrupted by several snow storms, one severe storm between Snake river and Soda Springs lasting two days. Upon arriving at his destination a rude cabin was built in Nevada City. At this time gold discovery was reported from the Gallatin river valley, and he started out on foot, crossed the ranges, taking the shortest route possible to the great wealth presumably in store. After three days of travel he found the gold discovery to be merely an illusion. The next gold excitement was at Norwegian Gulch, and after three days of travel in a steady rain he found this also fiction. While in Nevada he attended the trial and execution of George Ives, the first trial to take place in Nevada City; the case was decided by twenty-four jurors. Mountain fever became prevalent in Nevada and he fell a victim, and in 1864 left for Nebraska to recover his health. The journey back to Nebraska was begun by a large company formed to protect themselves from the Indians who were very hostile at that time near Plum Creek. In 1867 Mr. Boler took a homestead near Jackson, where he has since resided. Feb. 9, 1880, he was appointed commissioner of Dakota county to fill the vacancy caused by the death of Patrick Ryan. Mr. Boler was elected two terms, serving over seven years. In 1899 he was county treasurer, and was reelected in 1901. Mr. Boler has lived in Dakota county, with the exception of a few years spent in Nevada, nearly half a century. He has been a leader in all movements that tended to the benefit of the county, has always kept abreast of the times, and is recognized as one of the leading farmers of that county. He was married Sept. 19, 1868, to Ellen A. Jones, daughter of James and Ellen Jones. Seven children have been born of this union: John Edward, Mae, Michael, James, Mary, Margaret, and Thomas. His oldest son, John Edward Boler, was married in 1896 at Orleans, Neb., to Lillian Chandler and moved to Wentworth, S. Dak., where he engaged in the hardware business. He was drowned in the Sioux river, May 22, 1904, leaving a wife and two children: John Curtis and Margaret Vera.

BOWEN, JOHN STEVENSON, deceased, was born July 31, 1811, in New York city, and died June 4, 1889, in Blair, Neb. He was a son of John and Mary (Stevenson) Bowen. The former emigrated from Wales when fourteen years of age and became a prominent merchant and importer of New York and Philadelphia. John S. Bowen received his early education in the common schools and later was sent to England, where he spent several years studying the higher branches. Upon returning home he served as a clerk several years in his father's New York and Philadelphia business houses, but on account of failing health he removed to a farm near Coatesville, Pa. While engaged in farming, he improved the time in study and became proficient in the sciences of law and medicine. He removed from Coatesville to a farm near West Chester, and entered upon the practice of law, which he continued at that place until his removal to Nebraska in 1857. As a young man he developed an earnest interest in public affairs, and while a resident of Chester county he organized a company and constructed a direct line of railway from West Chester to Philadelphia. His abilities made him a marked figure in public affairs and he was twice elected to the general assembly of the state of Pennsylvania, serving during the sessions of 1850 and 1852, during which time he was an active opponent of "southern rights," but he was never at any time an abolitionist. He was recognized as a talented public speaker, and as such was in great demand during political campaigns both in Pennsylvania and Nebraska. For a number of years he was editor and publisher of a weekly newspaper, a monthly agricultural magazine, and a quarterly medical journal. In 1855 he took a trip through Kansas for the purpose of learning the facts regarding the troubles there, and the information he obtained was made of practical benefit to the cause of freedom. In 1856 he was secretary to a congressional committee, of which John Sherman was a member, which was appointed by Congress to visit Kansas and officially investigate the causes leading up to the border warfare. In the spring of 1856 he presided over the deliberations of the convention that formed the Republican party in Pennsylvania. In Apr., 1857, he moved to Nebraska and settled on a farm in the western part of Washington county, undergoing many of the privations that attended pioneer life. He was elected from Washington county to the territorial house of representatives in 1859 and reelected in 1861. Following this he was elected secretary of the council of the 10th, and chief clerk of house of the 12th territorial assemblies. In 1870 he was elected probate judge of Washington county, and removed with his family from the farm to Blair, the county seat. This office he held four years. In 1864 he was appointed United States assessor for the North Platte district and held the position until it was consolidated, four years later, with the internal revenue office. In 1860 he delivered the oration at the first Independence day celebration ever held in Washington county. In 1872 he was one of the Nebraska delegates to the Republican national convention at Philadelphia that nominated General Grant the second time for President. In 1864 he became one of the incorporators of the "Northern Nebraska Air Line R. R." covering a route from De Soto via Blair to Fremont; subsequently the franchise was transferred to the Sioux City and Pac. R. R. Co., and the line was built in 1869. He was familiarly known as General Bowen, which title was conferred upon him by reason of his having been commissioned major-general of the Nebraska militia in 1861. He was a member of the Baptist church from 1886 until the time of his death. He was also a member, of many years' standing, in the Masonic order. Judge Bowen was a manly man, filling every office to which he was called with marked ability. He was studious by nature, and in his later years became a student in German that he might gratify his taste for metaphysical science by reading the higher works on philosophy in the original text. Judge Bowen was married Apr. 15, 1834, to Annette McWilliams of Chester county, Pa., and ten children were born to them, eight of whom lived until attaining their majority: William R., deceased; Mrs. John A. Smiley, Omaha, Neb.; J. Stevenson, Jr., deceased; Arthur and Horace of Denver, Col.; Lucy A. and James, residents of Blair; and Harry M., of Chicago.

BOWKER, GEORGE, late president of the Bank of Rulo, Rulo, Neb., was born in Buckworth Lodge, Huntingdonshire, Eng., May 13, 1835, and died Dec. 31, 1904. He descended from an old English family, for some generations residents of his birthplace. His father was Thomas Bowker and his mother's maiden name was Rebecca Burnham. He acquired his education in the common schools, and was afterward employed in a grocery house at Peterborough, Northamptonshire, until he was twenty-two years old. In 1857 he sailed for New York, and after residing for a few

months in Bradford county, Pa., and a short time at Elmira, N. Y., in the fall of the latter year he removed to Nebraska. He bought some land near Rulo, and began farming and stock raising, which he continued with success until his death. In 1863–64 Mr. Bowker was commissary clerk in the quartermaster's department of the United States army at Ft. Kearney, Neb. He was one of the organizers of the First National bank of Rulo, and also—1890—of the Bank of Rulo, of which he was president at the time of his death. For some years Mr. Bowker was interested with Stephen B. Miles in contracts for carrying mails, and operated mail lines in Missouri and Texas. He was always an enterprising citizen of the town and county which was his home for more than forty years. He was married in 1896 to Miss Addie Woodford of Rulo, Neb. He was a member of Orient lodge, Free and Accepted Masons of Rulo. Mr. Bowker died at Rulo, Neb., Dec. 31, 1904, and was buried in the Rulo cemetery, under the auspices of the Masonic lodge.

BOYD, JAMES E., Omaha, seventh governor of Nebraska, was born in County Tyrone, Ire., Sept. 9, 1834, and when ten years of age came to America with his parents, who settled in Belmont county, O. Three years later the family removed to Zanesville, O. He attended the common schools until he was thirteen years old and then began a term of three years' service as a clerk in a grocery store. He then learned the carpenter's trade, at which he was employed when, in Aug., 1856, he removed to Omaha, accompanied by his brother, John M. Boyd. In the year after their arrival they took a contract for the carpenter work, tin work, painting and glazing on the new county court house, a two-story building on the northeast corner of 16th and Farnam streets. It was completed some time in 1858. In Dec., 1858, Mr. Boyd established a stock farm on Wood river, Buffalo county, and also at that time carried on a freighting business across the plains. Subsequently he was engaged in mercantile business at Kearney, and in 1866 he took a contract for grading on the U. P. R. R. In the following four years he graded over 300 miles of the line, accumulating thereby a considerable fortune, with which he returned to Omaha upon the completion of the road, in Feb., 1868. He then purchased a controlling interest in the Omaha gas works, which he managed for over a year. Nov. 30, 1869, he organized the O. & N. W. Ry. Co., of which he was elected president. This road is now a part of the C., St. P., M. & O. line. He built the road from Omaha to Blair and furnished one-sixth of the capital necessary to build it to Tekamah. In 1870 he helped to organize the Central National bank of Omaha, and he was for some time president of the Omaha Savings bank. Mr. Boyd was the pioneer pork packer of Omaha. He began this business in 1872, killing and packing 4,515 hogs, all that could be obtained in this part of the country. He subsequently built the finest packing plant in the West, and when it burned in 1880 he replaced it with another in which he killed 141,000 hogs in 1886. In 1887 he sold the plant and retired from the packing business. For nearly twenty years the leading theatrical buildings in Omaha have borne the name of this enterprising promoter of Omaha's interests. In 1878 the project of building an opera house was first agitated by the people of the city, and in Oct., 1881, Boyd's opera house, standing on the northeast corner of 15th and Farnam Sts., and which cost $90,000, was thrown open. It was a magnificent building for the Omaha of those days, and its opening was attended by a ceremonial recognition of its builder's enterprise. This theater was operated successfully and profitably until it was leased in 1891. It was destroyed by fire a year or two later. Sept. 3, 1891, the new Boyd opera house, erected by James E. Boyd at a cost of about $250,000, and managed by his brother Thomas F. Boyd, was opened.

Mr. Boyd has always been a democrat, and in the political field attained a national reputation. In 1857 he became county clerk, but resigned the office before the expiration of his term. During his residence in Buffalo county he was elected to represent that county in the legislature that convened July 4, 1866. He was a member of the constitutional convention of 1871, and also of that of 1875. In the year 1880 he served in the city council, and in 1881 was elected mayor by a majority of 1,939 out of a total vote of about 4,300. During his administration occurred the great grading strike, and by his prompt, determined action in a trying and dangerous situation, Mayor Boyd won general public approbation. It was during this administration, also, that the high license law went into effect in Nebraska, and it was enforced in Omaha with great difficulty. The present system of paving, curbing, guttering, and sewerage was adopted during his term as mayor, after he had made extensive personal investigation of the systems of other cities. In 1885 he was again elected mayor

by a large majority. Mr. Boyd received the vote of his party in the legislature of 1883 for United States senator; he was a delegate to the Democratic national convention of 1884 which nominated Grover Cleveland the first time for president; for the following four years was the Nebraska member of the democratic national committee; and in 1888 he was again a delegate to the national convention. At that time he was at the head of the Chicago commission firm of James E. Boyd & Bro., a member of the Chicago board of trade, and of the New York stock exchange. After an exciting campaign in 1890, Mr. Boyd, democratic candidate for governor, received 71,331 votes; Mr. Powers, populist and farmers' alliance candidate, 70,187; and Mr. Richards, republican, 68,878. By the face of the returns, the republicans elected all of the state officers except governor. Powers contested the election of Boyd, and all of the other populist candidates for state offices began contest proceedings against their republican opponents. At the outset the contests were based on the charge of incorrect election returns, but afterward the additional charge was made that Mr. Boyd had never completed his naturalization, and was therefore ineligible to the office; and on this ground John M. Thayer, the preceding governor, declined to give up the office. It was ascertained that soon after coming to Ohio from Ireland, Mr. Boyd's father had declared his intention to become an American citizen, but subsequently lost his certificate. In Nov., 1890, he again took out "first papers." It was contended that as the son was of age at the time the father took out his first papers, it was necessary for him to take out final papers himself to complete his naturalization. With Governor Thayer securely locked in the executive rooms at the capitol, surrounded by armed state militia, and with John H. Powers conducting a determined contest against his election, Mr. Boyd went to the capitol, and was sworn in and received the recognition of the other state officers. As a result of the canvass of the votes by the legislature Mr. Boyd was declared to have been elected, and on the order of the board of public lands and buildings Governor Thayer vacated the executive apartments eight days after the end of his regular term. He, however, began suit to oust Boyd, and in the following May the supreme court decided adversely to Boyd, who gave up the office to Thayer. The opinion of the court was written by Judge Cobb, Judge T. L. Norval concurring, while Judge Maxwell dissented, holding that when a territory is admitted to statehood the enabling act operates to make every resident of the territory a citizen of the state. The case was carried to the United States Supreme Court, which decided, Feb. 1, 1892, that when the state was admitted to the Union upon an equal footing with the original states, Mr. Boyd, who had participated in its formation, became a citizen by adoption. Governor Boyd again took possession of the executive offices Feb. 3, 1892, and served with marked ability until the close of his term. He is the only democrat ever elected governor of Nebraska. When Governor Boyd again assumed his office there was an enthusiastic demonstration in the form of a great public reception. The action of Governor Boyd in vetoing a bill fixing maximum railway freight rates, on the ground that he believed the reduction of rates was unjust to the railway companies, excited much heated controversy, both inside and outside of the Governor's party. Mr. Boyd has always been a leading member of the Omaha board of trade. He was its president in 1880, 1881, and 1898, and during the latter year, for the first time in its history, the corporation paid a dividend on its stock. During the late years of financial depression Mr. Boyd met with financial reverses, from which, however, he has in a measure recovered, and for several years he has conducted a successful commission business in the Board of Trade building under the firm name of James E. Boyd & Co.

In Aug., 1858, at the age of twenty-three years, Mr. Boyd married Miss Ann H. Henry, a native of Hamilton, Madison county, N. Y. The ceremony was performed at Council Bluffs, Ia. They have three children: Eleanora, Margaret, and James E., Jr. Eleanora (Mrs. Ellis L. Bierbower) was the first white child born in Buffalo county, Neb.

BRACKIN, JOHN H., deceased, a pioneer of Omaha, was born in Enniskillen, Ire., Nov. 26, 1828, and died in Pasadena, Cal., Feb. 26, 1886. He descended from Scotch-Irish stock. His father, Richard Brackin, was a highly successful farmer and dealer in stock. His mother, in maidenhood Jane Howden, was a woman of many noble traits of character, and carefully reared her children in the Christian faith and taught them self-reliance and to observe the Golden Rule. John H. Brackin received his early education in private schools and in the excellent academies in the cities of Enniskillen and Belfast, where he was trained for a commercial life. When a young man he emigrated to America, and settled in Carrolton, O., where for some years he was a

member of the dry goods firm of Brackin & St. Clair. While at this place he formed a warm friendship with William McKinley, then a youth, who afterwards became the martyred President of the United States. In Apr., 1856, Mr. Brackin disposed of his business in Ohio, and with Augustus Kountze crossed the state of Iowa, and for a short time remained at Omaha. He then preempted land near the town of Florence, and in addition to caring for this tract, managed a stove store for Mr. J. P. Black. In 1862 he established his residence in Omaha, and there managed the business of Mr. Black until 1869. Then for a time he was a clerk for J. J. Brown, and later engaged with Creighton & Kountze in the grain business. Retiring from the service of the latter firm, he formed a copartnership with John B. Detwiler and opened up a large general store. In 1877 he purchased the interests of his partner and became the sole owner of the business from which a few years later he retired, owing to other large personal interests demanding his attention. In 1884 Mr. Brackin became the claim agent of the U. P. R. R. Co. and was attending to business in connection with the railroad when he was stricken with his fatal illness, which was the result of a cold. One of the peculiar incidents connected with his death, which occurred in California whither he had gone in search of health, was that a year or so prior to his last illness he was the founder of the beautiful Forest Lawn cemetery, which was located upon the land he preempted upon coming to Nebraska. In this cemetery he manifested great pride, and did much toward starting it toward the fine form it has in late years assumed. His remains were returned from California and were the first to be buried in this cemetery. John H. Brackin was noted for his high character, his lofty moral nature, his integrity, which was never questioned, and his private and business life which were without blemish. He was hopeful, cheerful under all circumstances, ever ready with words of encouragement and even material help for those less favored by fortune. A firm believer in the higher education of the masses, he was one of the sincere workers for the improvement of the public school system of the city. He was one of the foremost men, an American first, last, and all the time. During the Civil war he was anxious to serve his adopted country, and was commissioned by Governor Saunders to raise a company of state militia, and on Oct. 14, 1862, he was commissioned 2d Lieut. in the 1st Regt., Neb. Vol. Cav., but his regiment was never called into active service. In politics he was a republican, but never sought office, though he was an earnest worker for his party's good. He was a member of the Methodist Episcopal church, and a Christian in every sense of the word. Mr. Brackin was married Aug. 1, 1851, to Rebecca Brackin, daughter of William and Ann Brackin of Fermanagh county, Ire. Three children were born to Mr. and Mrs. Brackin, namely: Anna Jane, wife of E. D. Huestis of Omaha; Ella Amanda Brackin, Omaha; and Florence Mitchell Brackin, who was the first white girl born of Christian parents in Florence, Neb. She was born May 25, 1856, married M. H. Mills, of Laramie, Wyo., and died May 3, 1878. Her remains were buried in Forest Lawn cemetery, Omaha, beside those of her father and mother.

BRATT, JOHN, North Platte, Neb., was born in Leek, Staffordshire, Eng., Aug. 9, 1842. His father, also named John Bratt, was a Methodist minister. His mother, Sarah Sheldon, was a daughter of Samuel Sheldon, who was known as a composer and teacher of instrumental and vocal music. His parents wished him to study for the ministry, but he preferred commerce and adventure, and at the age of twelve years he chose to be bound out as an apprentice to a merchant. This relation continued until he was seventeen years old, during which time he acquired a keen insight into business methods. At the age of seventeen he went into business in Manchester, Eng., in partnership with his brother-in-law. At the end of a year he bought out his partner and continued the business until he was twenty-one years old. In July, 1864, he came to America, landing in New York, and after remaining there for a time he went to Chicago, where he was engaged in business until the fall of 1865. Then he invested what money he had accumulated in merchandise, and embarked with it on the steamship Victor, bound from New York to New Orleans. The vessel was wrecked in the memorable October gale in the Gulf of Mexico. Mr. Bratt escaped with his life, but lost all his earthly possessions except a few articles of apparel. He was picked up by the Alabama, a merchantman, landed at Fortress Monroe, and finally taken back to New York almost penniless. A month later he went to New Orleans, where, failing for several weeks to find employment, he suffered actual hunger and other hardships before he finally found work in helping to build a levee at Morganzie in the bend near the mouth of Red river. He was soon promoted to the position of purchasing agent for

the camp, which was headquarters for about 700 men. In the latter part of Mar., 1866, the works were abandoned on account of high water, and Mr. Bratt ascended the river to St. Louis, from which place he made two trips to New Orleans as freight checker on the steamboat Olive Branch. About the middle of May, 1866, Mr. Bratt first came to Nebraska, Nebraska City being his first stopping place, and there he hired out as a "bull whacker" for a train loaded with government freight, bound for "Fourth Company Post," afterwards called Ft. Phil Kearney. After an exciting trip, during which the train was frequently attacked by Indians, it reached its destination in the early part of September, too late in the season for Mr. Bratt to make his contemplated trip on to the point of the placer diggings in the Gallatin valley, Mont.; for Colonel Carrington, commander at Ft. Phil Kearney at that time, declared that not less than 200 armed men would be allowed to leave the post for that perilous journey across the Big Horn mountains. He accordingly entered the service of Coe & Carter, who had the contract for the supply of hay, wood, and logs for the post, and who were also interested with Judge Kinney, J. B. Weston, and Mr. McCreary in the sutler's store. In spite of daily attacks of Indians, Mr. Bratt and his two companions built a small cabin on Piney creek, near the post, and furnished it with provisions, expecting to winter there and be prepared to go on to the mines in the early spring, but before winter set in he abandoned his share in the cabin and its contents to join one of Coe & Carter's returning ox trains to Ft. Mitchell. This change of plans saved him from the fate of his comrades, who were victims of the Phil Kearney Indian massacre early in 1867. Mr. Bratt remained at Ft. Mitchell, part of the time in charge of the once noted road ranch and stage station at that point, often carrying night messages through a country beset by hostile savages to Ft. Laramie, fifty-five miles away, until late in the summer of 1867, when, still caring for Coe & Carter's interests, he was offered a position in the tie and wood camps operated jointly by that firm and Gilman Bros., at Pine Bluffs. A month after his arrival at the latter place he left it to conduct an ox train loaded with corn for Ft. Sanders, where he shortly afterwards took charge of one of the company's tie and wood camps, and still later another camp at Sherman Station. In 1869 he became a partner of Coe & Carter in the cattle business, the firm being known as John Bratt & Co., and engaged in driving herds of cattle from Texas to Nebraska. During that year Mr. Bratt settled at a point south of the Platte river, about four miles southeast of North Platte, in Lincoln county. This partnership was continued until the fall of 1898, when Mr. Bratt closed out his interest in the firm. He has since devoted his time exclusively to caring for his private affairs. He assisted in the organization of Frontier county and was by appointment of Acting Governor James one of the first board of county commissioners of that county, and was elected at the expiration of his term to serve another. In politics he is what is termed "a sound money democrat." In 1877 he helped to organize the North Platte Guards for home protection against the frequent Indian raids, and was made first lieutenant of the organization, which was commanded by Major North of Pawnee Indian fame. On May 18, 1875, he married Miss Elizabeth Burke, daughter of John Burke, the once famous Ft. McPherson pioneer, ranchman, and government contractor. Four daughters are the issue of this marriage: Elizabeth Margaret, Jessie Maud, Grace Sheldon, and Nellie Edith. Mr. Bratt has led a busy, active life, full of startling adventure, varying fortunes, and such incidents as form the chief charm of fiction. His stories of frontier life are graphic, and valuable from a historical point of view.

BRODY, JEFFERSON HUNSAKER, lawyer, Lincoln, Neb., was born on a farm near Liberty, Adams county, Ill., Apr. 14, 1844. He is a son of John C. and Anna (Wigle) Broady, the latter of Belgian ancestry, but a native of Illinois, where she grew to womanhood.

John C. Broady was of Scotch descent, but was born in Kentucky. Owing to the death of his mother when he was but seven years old, he was taken at an early age first to Knoxville, Tenn., and afterwards to Vienna, Ind., where he was bound to an old-school Presbyterian preacher to learn the ministry. Neither the discipline nor the prospective career being pleasing to him, he fled to Illinois where he enlisted in the Black Hawk war. He continued a resident of Adams county in that state, where he was engaged in farming, until his death in 1878. His wife survived him but one year, and their four sons and three daughters now reside in Illinois, Nebraska, Missouri, and Kansas. One of the sons, J. C. Broady, of Quincy, Ill., has just served a full term as judge of the circuit court.

Jefferson H. Broady, who was the fourth child of the family, spent his boyhood upon

the farm, and his early education was acquired in the district school. Delicate health unfitted him for farm labor, and he became engrossed in books, his favorites being historical works and those relating to politics. When he was sixteen years old he entered the high school at Payson, Ill., from which he was graduated with honors. In the memorable campaigns of Stephen A. Douglas young Broady was dubbed the "Little Giant" on account of his skill as a political orator and in organizing the boys of his acquaintance into a band of active campaigners.

His youthful inclinations toward politics led him to the Illinois capital, where he became connected with the Springfield *Register,* and attracted attention as a vigorous writer. His early intention of acquiring the printer's trade was, however, relinquished, his natural inclination being toward the law. In 1865 he entered the University law school at Ann Arbor, Mich., graduating therefrom Mar. 27, 1867, with the degree of LL.B. Soon afterward he entered the law office of Skinner & March at Quincy, Ill., but in August of the same year he settled permanently at the then promising town of Brownville, Neb. Shortly after his arrival there he formed a partnership with Edward W. Thomas and was remarkably successful, realizing from his practice over $5,000 profit annually for several years before and up to the time he went upon the bench. He practiced in all of the state courts and in the circuit and Supreme courts of the United States, and was known all over the state as a shrewd and able lawyer. Judge Broady's unswerving integrity and the democratic simplicity of his manner made him very popular.

He represented Nemaha and Richardson counties in the constitutional convention of 1875; he took an active part in the controversy over the removal of the state capital from Lincoln in behalf of the latter city; in the fall of the same year he was elected district attorney on a straight democratic nomination over a republican candidate, though the district, which included Lancaster county, was strongly republican; in 1883 he was elected judge of the 1st judicial district, which comprised the counties of Gage, Johnson, Nemaha, Richardson, and Pawnee, again receiving as a democratic candidate a large majority over his opponent in a district strongly republican, and he was reelected in 1887 on a straight democratic nomination over the republican candidate with whom a third party organization fused. In 1891 he declined the democratic nomination for justice of the supreme court, desiring to retire to private life and resume his law practice. During that year he removed with his family to Lincoln, where he has since lived and practiced law. In the spring of 1895 Judge Broady was nominated for mayor of Lincoln by the Democratic convention, but was defeated at the election. In 1896 he was the fusion candidate of the democrats, populists, and silver republicans of the 1st congressional district for representative in Congress, but was defeated by the incumbent of the office, Judge Jesse B. Strode, by the narrow margin of 219 votes in a district very largely republican. In 1902 he was the democratic and populist candidate for attorney general of the state of Nebraska.

Broady's candidacies afford a study in political psychology. In all his campaigns he was up against majorities against his party. When running on a single democratic nomination he was always against a greater majority against his party than when running on a fusion nomination, and yet as simply a democrat he always broke through the majority against his party, but as a fusionist he never did. The reason is that his friendship ties are so strong that when on simply a democratic nomination enough sturdy independent republicans who were his personal friends would come to his support to elect him; but when a fusion nominee they would not break party lines to aid a fusionist. Down in his old district it is the common idea that as a straight democrat he can not be beaten, but as a fusionist he must abide by the strength of the fusion party. Down there many republicans think that in 1891, if he had accepted the straight democratic nomination for the supreme bench against the republican and populist nominees, he would have beaten them both; and that he would have been elected to Congress in 1896 had he been running simply as a democrat. His successes were due to personal esteem stronger than party ties. The psychological lesson is that sturdy independent republicans may, on the ground of personal esteem, break party ranks and go to a democrat, but not to a fusionist.

Personally Judge Broady is genial and companionable, and being a quaint and entertaining speaker, he is frequently called upon to make public addresses. His well-stored mind is a treasury of droll anecdote and apt poetry, and is often drawn upon for unexpected and interesting illustrations. Examples of his style of speaking are found in the following parts of speeches about notable Nebraska events and personages, the first being an extract from his oration at the laying of the

corner-stone of the court house in Beatrice in Sept. 1890:

"But conservatism even can be overdone and perverted. This is the golden age of action, when time is largely the essence of all transactions. There are two ways in which to be smart: one is to say smart things, and the other is to do smart things. The former usually amounts to nothing; the latter now moves the world. He is not the most meritorious who makes the fewest mistakes, but he who accomplishes the most good in spite of his mistakes."

"The judiciary lags behind. The delays of the law are little less than a disgrace to our jurisprudence. The leading cause is an exaggeration of our appellate proceedings until the judiciary is carried across the borders from the practical into the realms of the sentimental. The rich with a financial surplus can stand it, but the poor with no such reserve can not. Usually for the latter it is better to be beaten at the start than to succeed at some indefinite time in the distant future. Usually the chances of justice lessen in proportion to the postponement of the time of final adjudication, and the public confidence in the judiciary weakens in the same ratio."

The following paragraph is from Judge Broady's paper on the late Judge O. P. Mason, read before the Nebraska State Historical Society in January, 1892:

"Mason was generally either in heaven or hell. The difference between heaven and hell is the difference between looking at the bright side or at the dark side of things. The way to go to either is to take it with you. Heaven is everywhere, and hell is there also."

In his speech at the United States court room in Lincoln in Jan., 1895, at the services in memory of the late T. M. Marquett, Judge Broady said:

"What we may say or do can not be of service to Marquett; yet a review of his life, so worthy of emulation, may be a living inspiration to us on this side of the 'king of terrors' that 'speeds for us all like a bird on the wing.' It has been said that he is a hero who conquers himself. By this test, Marquett was made of heroic stuff. He was natural. He was always just himself without effort to be anybody else. He knew himself and knew others. He controlled himself, and therefore controlled others. His great influence over others came not from striking attitudes, posing, or preaching, but from the arduous greatness of work done. For him, to work required no such nervous irritants as tobacco or whisky; he used only the stimulant that has no recoil—duty. He was not ornamental nor even systematic. His aim was substance rather than form. He did not stick in the quagmire of human misery, made by trying to do something we can not, or to keep up with some one a little ahead. His career exemplifies the poet's philosophy—

> "Honor and fame from no condition rise;
> Act well thy part, there all the honor lies."

At Albia, Ia., Nov. 2, 1871, Judge Broady was married to Miss Nannie MacDonald of Rock Springs, Pa., daughter of Dr. John MacDonald and Jane (Bailey) MacDonald. Dr. MacDonald was a surgeon in the army of the Potomac. He was directly descended from the survivors of the massacre of Glencoe. William Edmonton Aytoun, in his Lays of Scottish Cavaliers, says of the original MacDonald of Glencoe: "MacDonald, or as he was more commonly designated, MacIan of Glencoe, was the head of a considerable sept or branch of the great Clan-Coila, and was lineally descended from the ancient Lord of the Isles, and from the royal family of Scotland, the common ancestor of the MacDonalds having espoused a daughter of Robert II." Dr. MacDonald's mother was Jane McMaster (Scotch-Irish), whose brother, Gilbert McMaster, was a Presbyterian divine and an eminent author. Several of his sons also acquired literary distinction, and one of them edited the Freeman's *Journal* for many years.

The children born to Mr. and Mrs. Broady are Anna, Grace, Bracton, John Calvin, Jefferson Hoover, Joyce, and Beatrice. All are living but the last-named, who died in Lincoln Jan. 5, 1896. Bracton Broady, the eldest son, enlisted as a private in Co. B, 1st Regt. Neb. Vol., in the war with Spain, and took part in the siege and capture of Manila in Aug., 1898.

BROATCH, CAPT. WILLIAM JAMES, Omaha, was born of Scotch parentage in Middletown, Conn., July 31, 1841. He acquired his education in the common and high schools of his native city, which he attended until he was seventeen years old. From the age of twelve, however, his father having died, and being the eldest of five children, four brothers and a sister, he was obliged to contribute in work toward the support of the family. When he finally quit school he found employment as a clerk in a store at Hartford, Conn., where he remained until the first call for soldiers for the Civil war was made, when he volunteered in Captain (afterward Senator) Hawley's company, but not having reached the required age, he was rejected. On Sept. 18, 1861, he

enlisted in Co. A, 8th Conn. Vol., at Hartford, and with that regiment he served in the Burnside expedition on the coast of North Carolina, being present at the battles of Roanoke Island and Newbern and the Siege of Ft. Macon. He also took part in the naval engagement at Roanoke Island, Feb. 7, 1862, on board the gunboat Chasseur, which was used as a transport for a part of his regiment. He was promoted from the office of sergeant to that of second lieutenant in Mar., 1862, and to first lieutenant Sept. 18 of the same year. He resigned his commission in the volunteer service about Oct. 25, 1863, and enlisted on Nov. 1, following, in the 14th U. S. Inf. He went to the field at once, and joined his regiment on the Rappahannock, and was made 1st Serg., Co. F, 2d Bat. He subsequently took part in the Mine Run campaign, which, though brief, was noted for hardship in extremely cold weather rather than for military results. During the winter of 1863–64 he was called before a board of examiners composed of a detail of officers from Syke's division of regulars, passed, and was recommended to the Secretary of War for a commission in the regular army. In Feb., 1864, the Secretary of War convened a board of regular army officers at Washington, before which Mr. Broatch appeared, and having passed a satisfactory examination, his name was sent to the Senate for confirmation as second lieutenant of infantry. He was appointed Serg.-Maj., 3d Bat., 14th U. S. Inf., on Apr. 14, 1864, and was discharged June 6, 1864, by reason of his appointment to the position of 2d Lieut. in the 10th U. S. Inf., his commission dating May 18, 1864. He was in the 5th corps, Army of the Potomac, and present in all its battles and skirmishes, commencing at the Wilderness, May 5, 1864, and ending with the Chapel House in October of the same year, and including besides the two engagements just mentioned those of Spottsylvania, Toloptomy, Petersburg, and Welden Railroad. He was brevetted first lieutenant, Oct. 1, 1864, for gallant and meritorious services at the battle of Chapel House, Va., and promoted to a first lieutenancy two days later. He was aide-de-camp on the staff of Gen. Joseph Hayes, commanding a regular brigade at the battle of Welden Railroad, and was acting assistant adjutant-general of the regular brigade under Gen. Charles P. Stone and Col. Fred Winthrop, his staff duties commencing in August and ending with Oct., 1864.

WILLIAM JAMES BROATCH

The 10th Inf. was reduced to three small companies and the band, and was ordered, toward the close of October, to Ft. Porter, Buffalo, N. Y., to recruit. Lieutenant Broatch accompanied his regiment, and after a short stay at Ft. Porter was assigned to recruiting service in New York city and Brooklyn. He remained in those cities until the spring of 1865, when he was ordered to similar duty at Harrisburg, Pa. The following autumn he was ordered to the general depot at Governor's Island, N. Y. harbor, and in December thereafter, with a company, joined his regiment at Jefferson Barracks, Mo. In Mar., 1866, Lieutenant Broatch was appointed an aide-de-camp on the staff of Brig.-Gen. Philip St. George Cooke and accompanied that officer to Omaha, then the headquarters of the Department of the Platte, which had just been created. On July 26, 1866, he was commissioned a captain in the 40th Regt. of Inf., which he joined soon afterward at Alexandria, Va.

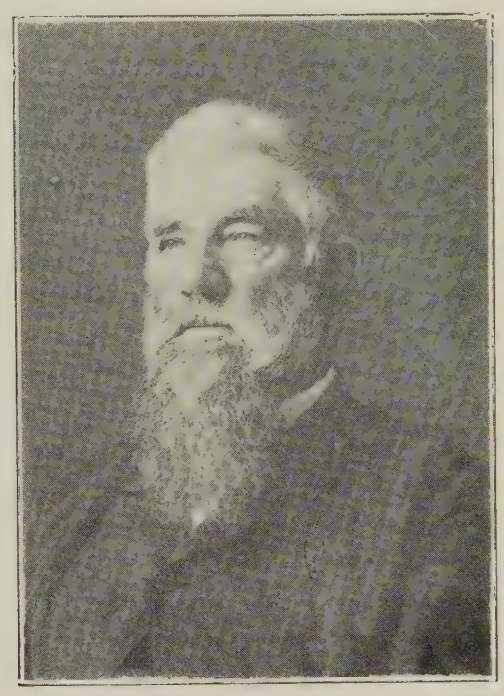
In Mar., 1867, Captain Broatch embarked with his company on the steamer Flambeau for Ft. Fisher, N. C. Off the entrance to Cape Fear river they were stranded on a sandbar and wrecked, losing nearly all their personal effects. He served in North Carolina during the reconstruction period and subsequently went to New Orleans with his regiment. Finally asking to be put upon waiting orders he went to Canton, O. Afterward he was detailed to take charge of the Yankton Sioux Indians, and having served as an Indian agent for the year 1869–70, he again returned to Ohio on waiting orders. Finally he resigned his commission in the army, his resignation taking effect Dec. 31, 1870.

Captain Broatch removed to Omaha again in Mar., 1874, and engaged in the iron and heavy hardware trade, which he has ever since followed. He served as a member of the Nebraska state legislature in 1881–82, representing Douglas county, and took an active interest in the passage of the high license liquor law. The bill as originally introduced fixed the license fee at $500, but Mr. Broatch secured its amendment in committee of the whole so that the fee was raised to $1,000. He was a member of the Missouri River commission, being appointed by President Arthur at the time of the creation of the commission, and served until his resignation in Mar., 1891. He has been a member of the Omaha board of trade since its organization in 1877, was a member of its board of directors during the first two years of its existence and its president in 1879. In Apr., 1877, he was elected a member of the board of education of Omaha, for a term of two years. In May, 1887, he was elected mayor of Omaha. During his term the high license liquor law, in its entirety, was for the first time enforced in the city. He endeavored to administer the affairs of the office in a conservative manner and in the interests of good government. He was the first mayor under the new charter. At the Republican state convention in 1892 Mr. Broatch was unanimously nominated as a candidate for the office of elector-at-large and was elected on Nov. 8 following. In the spring of 1895 he was appointed, by the state officers empowered to make such appointment, chairman of the fire and police commission of Omaha, which office he held until he was a second time elected mayor. As a member of that board he with his colleagues introduced the civil service method of making appointments to the police force, and the results were very satisfactory. Nov. 5, 1895, Captain Broatch was elected mayor the second time for a term of two years beginning Jan. 7, 1896, but his term was reduced to one year and four months by the action of a fusion legislature, which provided a new charter for the city that changed the time of the city election from autumn to spring. This administration was distinguished by a bitter contest for the municipal ownership of the waterworks, owing to a desire upon the part of the water company to secure an extension of its contract with the city, then about to expire. In Aug., 1903, Mr. Broatch was again appointed, by Governor Savage, a member of the fire and police commission for Omaha, his commission to expire in 1905.

During the last decade few men have been more conspicuous in the public eye than W. J. Broatch. The wholesale hardware establishment, of which he is sole proprietor, bears an excellent reputation throughout this and adjoining states. He is familiar with the work of all of its departments, and gives the business his personal attention. From a comparatively small beginning this great business has grown with the growth of the West. But it is as a politician that Mr. Broatch is best known to most Nebraskans. As a member of the legislature he did effective work, both in the committee room and on the floor of the house of representatives. He was a clear, logical, and influential debater. During his two terms as mayor of Omaha he gained more than a state reputation on account of his opposition to the dictation of local bosses and of his firm stand on behalf of clean municipal government. Being denied access to the columns of the city newspapers, he published a pamphlet setting forth his views in behalf of the city's ownership of the waterworks. On all questions of public interest he has decided opinions and defends them with courage and tenacity.

Mr. Broatch was married Jan. 21, 1869, at Canton, O., to Miss Julia F. Schneider. Two sons were born of this union, of whom one survives—James Wallace Broatch, who is a graduate of Yale college, class of '91, and in June, 1899, completed a three-years post graduate course in English literature, obtaining the degree of Ph.D. When the Spanish war opened he enlisted in the 8th U. S. Inf. and served in Porto Rico. He is at present a captain in the U. S. marine corps, stationed in the Philippine Islands. After a lingering illness, Mrs. Broatch died in Mar., 1895, thus terminating a happy married life. Mr. Broatch was married a second time June 15, 1897, to Mrs. Katharine M. Kean, who had long been a teacher in the Omaha public schools.

BROOKS, WILLIAM PENN, M.D., Cook, Johnson county, Neb., was born at Conneaut Center, Crawford county, Pa., Apr. 6, 1837. His father, Isaac Brooks, a farmer, was



WILLIAM PENN BROOKS, M.D.

descended from the early Puritans, the first of the name in this country being three brothers who came from England. One settled in Massachusetts, another at Jamestown, Va., and a third near Albany, N. Y. Of this latter, William P. Brooks is a direct descendant. The mother of Dr. Brooks, Aldula (Brown) Brooks, was also of English descent. Dr. Brooks acquired his early education in the country schools and completed a classical course at Meadville, Pa., in 1854. He commenced his medical education by attending a course of lectures at Cleveland, O. in 1857–58, and received his degree as a doctor of medicine from the Western Homeopathic college at Cleveland in 1865. From 1858 to 1862 he spent some time in traveling through the South, and in 1867 he settled at Helena, three miles southwest of the present town of Cook in Johnson county, traveling by railroad to St. Joseph, Mo., thence to Brownville, Neb. by boat, the latter part of his journey requiring six days, on account of the large amount of ice in the river. From Brownville he drove overland to Helena, where he entered a homestead, which he immediately began to improve, and on which he built a plank house. The night following the day of his arrival at Helena, he was called professionally to see a sick child, and has ever since continued the practice of medicine in Johnson county, except for the period of 1897–1902, which he spent in recreation, to regain his health, resuming practice again in 1903. For the first few years of his practice in Johnson county, he rode by saddle horse a circuit of ten or twelve miles and was frequently called to a distance of thirty miles. After 1876 he drove by team on his rounds of visits to patients. In 1888 he built the first residence in Cook, the first train on the M. P. R. R. passing through there Nov. 1 of that year, and on this date a station was opened in charge of Dr. Brooks's present son-in-law, George Winslow, who still resides in Cook, and who was the railroad agent there up to 1903. Dr. Brooks was a republican in politics until 1873, since which time he has voted independently. He was a member of the order of Good Templars for ten years, but has never belonged to any other secret order. Just after Dr. Brooks's graduation in medicine, and while living in Ohio, he returned to Pennsylvania, in Nov., 1866, and was married to Caroline Allen, of Irish descent. To this union four children have been born, three of whom are living, the fourth dying in infancy: Flavia Valeria, wife of George Winslow, Cook, Neb.; Annie J., married to Walter Norval and residing in Cass county, Neb.; Estella Carlie, wife of Roy Proud, Lynn, Mass. Dr. Brooks has been a regular contributor to the public press and has written many valuable pamphlets, a few of which we name: Popular Fallacies of Homeopathy Examined and Refuted (1878), Hard Times and the Way Out, 2d ed. (1888), Our Government, What is It? (1892), Sixteen to One Escaped Criminals to One Conviction (1902), the latter along temperance lines. Dr. Brooks is a clear, forcible writer, and his efforts are largely directed to the exposition of questions of reform.

BROWN, DAVID, deceased, was born in Penns Manor, Bucks county, Pa., and died in Nebraska City, Neb., Mar. 6, 1901. The branch of the Brown family of which he was a member was founded in America before William Penn came into possession of Pennsylvania, by George Brown, who came from Leicestershire, Eng., in 1679, landed at New Castle, and from Sir Edmund Andros, who represented the Duke of York, purchased a tract of land in what is now Falls township, Bucks county, Pa., and became one of the original settlers in that section. His land

joined that which, after the coming of William Penn, was called "Penns Manor," as is shown on Holmes's map of Pennsylvania. This tract has remained in possession of his descendants to the present time. It is recorded of George Brown that he was administering the office of justice of the peace as early as the year 1680; also that he was a man of vigorous and cultivated intellect, and that his children and grandchildren partook of his character. He and his wife, Mercy, also a native of Leicestershire, Eng., were members of the established church of England. They were the parents of fourteen children, the youngest of whom appears to have been Samuel, who married Ann Clark in 1717, joined the Society of Friends, in which body he became prominent, and later was a member of the Colonial Assembly. He died in 1769, aged seventy-four years. Two of his sons, George and John, were also members of the Colonial Assembly, and they married sisters, Elizabeth and Ann, respectively, daughters of Benjamin Field of Middletown (now Langhorne), Pa. John Brown, who adhered to the old English custom of keeping a pack of hounds and a number of hunting horses, was known as "Fox-hunter John Brown." He and his wife lived on their large farm back from Tullytown, overlooking the "Manor" and Delaware river. They, like all members of their family, belonged to the Society of Friends. John Brown died in 1802, aged seventy-six years. His son, John Brown, Jr., and his grandson, David Brown, the former a resident on Hulinsville road near Fallsington, and the latter residing near Penns Manor, were prominent members of the Falls Monthly Meeting. David Brown, for twenty-seven successive years from 1824, was by election treasurer of the "Bucks County Contributionship for insuring houses, etc., from loss by fire." He died in 1860 in his eightieth year. He was noted as a very useful man in settling estates and as an arbitrator, and was often referred to as the "peacemaker." He was married Nov. 13, 1806, to Sarah Williams from Abington, Pa., a descendant of John Williams, one of the Welsh settlers in Marion, Pa., in 1682. John Brown, one of the sons of David Brown, was born Aug. 14, 1807, by occupation a farmer, and in Mar., 1833, he married Mary Bye, the daughter of Aaron Eastburn, a member of the Society of Friends. John Brown died Nov. 21, 1839, and his widow survived until May 12, 1866, dying in her sixtieth year.

David Brown, at the time of his father's (John Brown's) death, was two years old. His early education was acquired in the district school at Penns Manor, at the Friends' academy at Fallsington, in his native county, and at the Westtown academy in Chester county, where he finished his studies, and at the age of sixteen years qualified for school teaching. For two years he taught school in his home county. At the age of eighteen he went to Philadelphia, entered a law office as a student, and while devoting himself to his studies sustained himself by doing clerical work and serving as an assistant in a public library. For three years he remained in Philadelphia, and in 1859 he started for the western country, taking the Pennsylvania railroad train from the station in Philadelphia which occupied the present site of the Wanamaker store, 13th and Market Sts., and his friends gathered around and bade him good-bye as the mules started to take the cars to the engine in West Philadelphia. He came direct to Nebraska City, and after remaining there a while, visited St. Joseph and Kansas City in search of a location, but no place pleased him more than Nebraska City, and there he returned. For a short time he taught school in Nemaha county, receiving $10 a month as his salary, and "boarding 'round." He then went to Holt county, Mo., settling at Mound City, where he was successively engaged as a teacher, a lawyer, and a farmer. There he bought land and stock and commenced farming, but the beauties of Nebraska appealed to him so strongly that he sold his land, and taking his stock to Nebraska in 1862, settled on a homestead in Four Mile precinct, in Otoe county, where he engaged in farming and stock raising, giving his attention to his farm in the summer and teaching school during the winter. In 1863 he engaged in freighting across the plains, which he followed with success until 1867. The winter of 1868 he passed in Philadelphia, then returned to Nebraska, resumed farming on an extensive scale, and a year later removed to Nebraska City, engaged in the real estate and insurance business, which he continued until his death, though giving much of his attention to his extensive agricultural interests, consisting of several farms in Otoe county, and a ranch of 3,000 acres in Frontier county. He also owned several business buildings and other property in Nebraska City. In 1870 he was elected to the Nebraska legislature, and a year later was appointed postmaster of Nebraska City, filling the office for five years. He served as a member of the Nebraska City council, and held numerous minor positions

of honor and responsibility in his home city and county. In 1900 he was elected to the state legislature. He was appointed as a member of seven standing committees, and made chairman of the apportionment committee. He was an indefatigable worker, and entered upon his duties with such earnestness that he weakened his constitution, and took a slight cold which, neglected, developed into pneumonia, finally resulting in his death. A tribute to his character, from the pen of J. Sterling Morton, who for forty years was his neighbor and friend, tersely gives an estimate of his worth as a citizen and a man: "Among the best type of the earliest settlers of this state," says Mr. Morton in his paper, the *Conservative,* "was David Brown of Nebraska City, a citizen, a teacher, and an exemplar of the homely and substantial value of truth, honesty, and a blameless life. Among us he lived more than forty years without doing an intentional wrong to any fellow mortal. He was temperate, industrious, and prosperous without being fanatical, exacting, or proud. He worked because he joyed in work, and the results it gave in satisfactions for himself, his family, his friends, and the community. . . . His last minutes confirmed his courage and consecrated the end of his useful life as a lesson in bravely and tranquilly meeting inevitable death. Business affairs, letters to friends, solacing words to wife and son and brother were calmly attended to with wonderful lucidity of mind." In respect to his memory, both houses of the legislature of which he was a member adjourned, a flag was kept at half-mast over their respective chambers, and a special train carried his colleagues to his obsequies at Nebraska City. Mr. Brown during all his life adhered to the church in which he, as well as his ancestors for some generations, was reared—the Society of Friends. He was a life-long republican, and active in the affairs of his party in Nebraska. He was married in 1871 to Jennie L., the daughter of Franklin Lombard, a native of Massachusetts, who with her only son, Herbert W. Brown, survives him, and resides in Nebraska City.

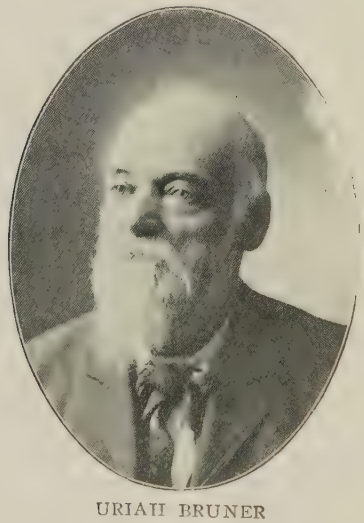
BROWN, JAMES J., deceased, pioneer merchant of Omaha, was born Jan. 12, 1832, at Stephentown, N. Y., where his family name has been one of distinction for more than a century. His father, Randall Adam Brown, was born near the same place on Mar. 31, 1804. Among the Pilgrims of the Mayflower were three brothers named Brown, and from one of these the family of Jas. J. Brown has descended, through Joshua Brown, who was born in 1740 and died in 1824, a resident of Stonington, Conn. His son, Adam Brown, the grandfather of the subject of this sketch, was also born at Stonington, Oct. 26, 1772, and died July 12, 1845. He was a farmer and a captain in the Revolutionary war. Randall Adam Brown, father of James J. Brown, spent his early life on his father's farm, and was educated in a select school at Stephentown, from which he was graduated. At the age of twenty years he left the farm, and after a year of reading was admitted to the bar. He practiced his profession at Stephentown, conducting at the same time a general merchandising business and dealing in cattle, hogs, and grain. He was the leading man of the neighborhood, and lived until Mar. 4, 1884. He was, in early life, a democrat, later a free soiler, and then a republican. He was postmaster of his town for many years through many changes of administration, and served three terms in the legislature. He was also prominent in Odd Fellowship. James J. Brown's mother was Margaret Sweet, who was also born in Stephentown, in the year 1810. She was a daughter of Jonathan Sweet of that place, and was descended from Gen. Nathaniel Greene of Revolutionary fame. She was married to Randall Adam Brown in Mar., 1827, and bore him seven children, of whom James J. Brown was the fourth. She died in 1857. Another of her sons who became widely known to Nebraska people was the late Charles H. Brown. During his youth James J. Brown attended the district and select schools at Stephentown, and at the age of eighteen years took charge of his father's store, continuing in that position for three years, until the business was sold out. In 1856 he removed to Omaha. He reached that city in April, having a capital of about $700, and in the fall opened a general mercantile business on the southeast corner of 14th and Douglas Sts., where he built the second store on the latter street. This place became the principal point west of the Missouri river for Indian traders and for those preparing to cross the plains. Before the days of the railroad, in company with his brother, Charles H. Brown, and John A. Creighton, Mr. Brown made several trips across the plains to Denver with ox teams loaded with merchandise. He continued in the mercantile business for fifteen years, when the firm was changed into a wholesale dry goods and grocery establishment under the firm name of J. J. Brown & Bro., R. A. Brown being his associate. Four years later it was again

changed to a wholesale dry goods business. In 1884 he sold out and retired for a short time from business. In Aug., 1885, he organized the Omaha Loan and Trust Co., and from that day he was recognized as one of Omaha's leading capitalists. In 1889 he erected the Brown block on the corner of 16th and Douglas Sts., a modern stone office building. The ground upon which it stands was purchased by Mr. Brown at a public sale in 1857 for less than $1,500. In 1893, he became interested in the National Bank of Ashland (Neb.), and was its president up to the time of his death. He was for many years an officer of the Omaha Savings bank, and for twenty-one years a director of the Omaha National bank. He was one of the organizers of the South Omaha National bank, and was one of its directors. He was one of the original five men who built the first motor railway in Omaha, and continued his active interest until it was consolidated with the Omaha Street Railway Co., of which he became a director and member of the executive committee. He was for many years a director and vice-president of the Omaha and Council Bluffs Street Railway and Bridge Co. He was one of the directors of the Trans-Mississippi and International Exposition in 1898. Every movement for the general benefit had the cooperation of Mr. Brown and the aid of his capital. In 1880 he was one of the ten men who purchased and equipped the fair grounds in the north part of the city, where the state fairs were held, and where the Omaha Fair and Exposition Association, of which he was an officer, gave yearly exhibitions. In 1882 and 1883 he was treasurer of the Douglas County Agricultural society, and was for a number of years president of the Forest Lawn Cemetery association. When Mr. Brown attained his majority he was a democrat, but in 1856 he voted for John C. Frémont for president, and ever after was a stanch republican. Although he exerted a strong influence in local and state politics, he was never a politician nor sought public place, excepting in 1861, when he was elected to membership in the city council and served one term. He was married at Florence, Neb., Mar. 1, 1862, to Miss Missouri K. Kennedy, daughter of Capt. George F. and Margaret Kennedy. The former died in 1869, the latter in Mar., 1901. Missouri K. Brown was born June 27, 1845. She bore six children, of whom four are now living: Clara M., born Aug. 8, 1866, wife of Henry F. Wyman; Randall K., born Sept. 29, 1869; Charles H., born Oct. 19, 1875; and Jeanie D., born Dec. 27, 1877. Mr. Brown died at his home in Omaha, on Feb. 9, 1901.

BROWN, LOT, commercial agent of the Burlington R. R. system, Chicago, Ill., was born in Rockford, Ill., Dec. 25, 1855, son of William A. and Abigail (Waite) Brown, the former a member of an old New England family, born in Webster, Mass., and a pioneer in Nebraska, a gold seeker in California in 1859, and later the publisher and editor of the Nebraska *Press* at Nebraska City, and a trail blazer and pioneer in Wyoming territory. Lot Brown was his second child, and in 1862 was taken with other members of the family to Omaha, Neb., and there for two years he attended the school taught by Professor Beal, then became a pupil in the school of Mrs. Bloomer, the noted dress-reformer, at Council Bluffs, Ia. In the meantime his mother died, and his father married the second time, taking for his wife Rilla, the daughter of Oscar B. Selden (a Nebraska pioneer of 1854), and soon after located at Nebraska City. There Lot attended the high school, and afterward graduated from Nebraska college. He then became the editor of his father's paper, the Nebraska *Press,* and for a number of years was recognized as one of the leaders among the younger newspaper editors, and had a very wide acquaintance in the state. In 1884 he quit the newspaper business and became bill clerk in the freight office of the Burlington, in Chicago, at a salary of $35 a month, but he was soon promoted to be traveling freight agent under Asst. Gen Fgt. Agt. Paul Morton with his field the Northwest and his headquarters at Butte, Mont. His first notable achievement was the procuring of a contract with Marcus Daly, manager of the Anaconda Copper Mining Co., for the transportation of their products to seaboard points. In the spring of 1886 when the strike of the freight handlers in Chicago threatened to tie up the business of the western roads, Mr. Brown was called to Chicago, and placed in charge of the "out-freight house." He lived there in the management of affairs during the strike, and he was appointed foreman of the house. This place he filled until June 15, 1887, when he was appointed local freight agent for Chicago. He also had charge of Chicago station during the American Railway union strike in 1894, at which time C., B. & Q. cars and viaduct, at Morton Park, were destroyed by fire, and President Cleveland called out the regular troops to suppress mobs and quell riots in Chicago. Mr. Brown served one term as president of the Chicago Association

of Local Freight Agents, and one term as secretary and one term as president of the National Association of Freight Agents. In Mar., 1901, he was appointed commercial agent of the C., B. & Q. R. R. Co., to succeed Mr. A. J. Cross. Mr. Brown lives in the Chicago suburb, Morton Park (named in honor of J. Sterling Morton). He is president of the Morton Park club, and a trustee of the town of Cicero. He takes an active part in politics; has been a member of the state republican and county central committee of Cook county. He was elected elector-at-large from the state of Illinois in 1904, receiving 2,485 more votes than any other republican elector on the Roosevelt and Fairbanks ticket. He was married Sept. 25, 1889, to Miss Annie Wilcox Payne, daughter of Robert Payne of Nebraska City, Neb., and has one son, Robert Allen Brown, and a daughter, Lucy Ellen Brown.

BRUNER, URIAH, pioneer of West Point, Neb., was born at Pleasant Valley, Bucks county, Pa., Sept. 25, 1830. He received a good common school education and studied for a time at Strasburg academy. After leaving the academy he taught school for several years, studying law in the meantime and se-



URIAH BRUNER

curing admittance to the bar at Allentown, Pa., in 1855. In the spring of 1856 he removed to Nebraska, settling in Omaha and engaging in the practice of law. He took a claim of prairie land three miles west of Omaha and planted about thirty acres of cottonwood, black locust, walnut, white willow, and ash trees. As early as 1868 he sold cordwood from his farm. In 1867 Mr. Bruner and John D. Neligh, a brother-in-law, erected a dam across the Elkhorn river at West Point and built a grist mill. In the summer of 1869 the United States land office was moved to West Point from Omaha and Mr. Bruner appointed receiver. As a self educated man he always

MRS. AMELIA (BROBST) BRUNER

took an active interest in educational matters both local and general. In 1870 he was appointed regent of the state university and reelected by the legislature in 1871. In 1881 he received an appointment as clerk in the general land office at Washington, D. C. In politics Mr. Bruner was a disciple of Horace Greeley. His first vote was cast for the democratic nominee for governor of Pennsylvania, but in 1852 he voted for John P. Hale, free soil candidate for President. With the organization of the Republican party he became an earnest and consistent republican. In 1857 he took a leading part in the organization of a republican club in Omaha, the first one west of the Missouri river, and one of the first in the country. In 1853 he was married to Miss Amelia Brobst of Pennsylvania. Mr. Bruner settled in Nebraska when it was called a barren country and known as the Great American Desert. He performed a man's work in the magnificent development of the state, and lived to see its star one of the brightest on the flag. Mr. Bruner died July 5, 1905. At the age of seventy-five years Mrs. Bruner survives her husband and resides at the family home in West Point, Neb.

BURKE, JOHN, at the age of twenty-six years, with his wife, Mrs. Margratha, and one young son, Daniel, arrived at New Orleans from Germany in the year 1852. From New

Orleans he went with his family to St. Louis, and later settled on a farm at Nauvoo, Ill., remaining there some eight years, when in 1860 he moved to Tecumseh, Neb., and remained at Tecumseh until 1864. While there the Kansas jayhawkers made life a burden, robbing him of $1,000, twenty-six head of cattle, eleven horses, provisions, etc. These robbers were captured later and after trial by court martial some were shot and others sent to the penitentiary. In 1864 the Pikes Peak gold excitement caused Mr. Burke to leave Tecumseh for that place, but owing to Indian troubles on the way he was forced to abandon the trip at Cottonwood Springs, later known as Ft. McPherson, where, some seven miles west of that point, he built a road ranch on the California trail. Besides keeping ranch he did some farming, built the first irrigation ditch in Nebraska, taking the water from the Platte river on the south side, a mile or so north of his ranch, also secured and filled several tie, telegraph pole, wood, hay, and mail contracts for the U. P. R. R. and Ft. McPherson. Fortune smiled on him until one day the Indians swooped down upon him, destroyed his ranch, took all his stock in sight and everything they could carry away, while he and his family barely escaped with their lives to Ft. McPherson. After being driven from his ranch Mr. Burke purchased the Fitchie road ranch and later the old Ben Holladay stage station, located about two miles west of the fort. Mr. Burke had already built a wagon bridge over the Platte river near the junction of the north and south forks; this bridge was carried away by the unprecedented high water of 1867. Later, having the contract for hauling the freight to the fort from Ft. McPherson station on the U. P. R. R., he built a wagon bridge across the Platte river about two miles west of the fort. He also engaged in cattle and sheep growing and supplied the fort with beef, etc. Ft. McPherson was a large fort at this time, built on a nice, level strip of ground at the mouth of Cottonwood canyon. Its ample and well-kept quarters accommodated ten to twelve companies of cavalry and infantry, which were kept busy guarding emigrants, settlers, stage coaches, and construction gangs of the U. P. R. R. from Indian attacks. The Ft. McPherson military reservation, already large, was extended to include Mr. Burke's homestead and to protect the north and south approaches to his bridges. Mr. Burke was a man of wonderful energy; neither obstacles nor danger deterred him from carrying out his plans. On one occasion he followed a small band of Indians, who had driven off some of his stock, nearly 200 miles, alone, hoping to recapture the stock from them, but was unsuccessful. In order to expedite the filling of his tie, pole, and wood contracts he built a tram railroad in Cut canyon near Fox creek. He was honest, generous to a fault, knew no fear, and no one was ever turned away from his ranch without a meal or, if necessary, a good bed to sleep on. Rich and poor were always welcome, especially the officers and soldiers of the fort, who held Mr. Burke and family in the highest regard, and for whom nothing was too good in the eyes of Mr. Burke and family. In June, 1872, high water took out several spans of his bridge. While assisting in getting a boat, heavily loaded with government freight, across the open channels, through some unaccountable accident the boat sank, and Mr. Burke was carried down with it. It is supposed that he was struck by the boat and rendered unconscious. His body was recovered and now rests in the family plot on the old homestead. Peace to his ashes. He was survived by his wife, now living at North Platte; his sons, George and Charles, now in the live stock commission business at South Omaha; Louis, a resident of Portland, Ore.; John, connected with the stock-yards at North Platte; Peter, at home ranch; and Milo at Ten Sleep, Wyo.; and one daughter, Elizabeth, the wife of John Bratt, now residing at North Platte, Neb. Two sons, Daniel and William, died, the latter by drowning in the Big Horn river.

BURKLEY, VINCENT, deceased, was born in the province of Hohenzollern, Ger., in 1818, and died at Omaha, Neb., July 4, 1898. In his youth he received a thorough education and business training in his native country. He came to America when he was nineteen years old and settled in Columbus, O., establishing himself in the clothing business in that city. He was married to Miss Theresa Stelzer during his residence in Columbus. In 1855 the young couple settled in Omaha and for forty-three years endured the hardships, the vicissitudes, and the triumphs of the early pioneers of that city. For thirteen years Mr. Burkley conducted a clothing store on lower Farnam St. in Omaha. Closing out his business, he became connected with the Omaha *Herald* when it was under the management of Miller and Richardson. He remained with that paper for five years, and was thereafter successively connected with the Omaha *World* and the Omaha *World-Herald*. During

Cleveland's first administration Mr. Burkley was made collector of customs at Omaha. About 1888, in partnership with his sons Frank J. and Harry V., he founded the Burkley Printing Co., a successful business enterprise with which he was connected until his death. Mr. and Mrs. Burkley were the first of the Omaha pioneers to celebrate their golden wedding in the city which they helped to build, and the respected and venerable old couple were the recipients of congratulations from many friends. Mr. Burkley, while not aspiring to political honors, was an ardent democrat and was elected a member of the 1st Nebraska state legislature, twice elected a member of the city council, and was a member of the first Omaha board of education in 1872. No truer story of the life of Vincent Burkley could have been told than the sermon of Father Brousgeest over his coffin: "He came to Nebraska when the territory was in its mission days. He saw the settlement grow from a handful of people to a city of wealth and importance. A loving husband and a kind father, he was ever keenly alive to his duty in the formation of the characters entrusted to his care. He sought by word and example to instill those principles of honesty and virtue into their hearts which were so beautifully evinced by his own well-rounded life. The word 'father' embodies all that was real and ideal in his family life." Hundreds of men whose hair was just turning to silver followed his body to the cemetery. They were boys in Omaha when Mr. Burkley came to that city a young man. They knew and loved him and none could say aught but kindly words of him.

VINCENT BURKLEY

BUTLER, GEN. WILLIAM ORLANDO, of Kentucky, was the first man to be appointed to official position in the government of Nebraska. He was appointed governor of Nebraska territory by President Pierce in 1854, but as he was then sixty-three years of age and in comfortable circumstances he declined the nomination rather than to undergo the hardships and fatigue which caused the death of Francis Burt, who later accepted the appointment. Col. R. T. Durritt of Louisville, Ky., a personal friend, says of General Butler:

"Gen. William Orlando Butler was a gentleman of the old school, very popular and very entertaining, and had a host of friends near and dear to him while he lived. He was born in Jessamine county, Ky., Apr. 19, 1791, and died at his home in Carrolton, Ky., Aug. 6, 1880. He was a graduate of Transylvania university where his education was completed in 1812. It was his intention to begin at once the study of law, but the War of 1812 drew him from literary pursuits, and he joined the Kentucky volunteers as a private for the relief of Ft. Wayne. Here he rendered such service that he was promoted to ensign. He was in the two battles of the Raisin in 1813, where he showed great courage, but he was severely wounded in the second battle, which proved very disastrous for the Kentuckians. He was in the battle of the Thames where the Kentucky troops overwhelmed Colonel Proctor and gained such a victory as to practically end the war in the North. He was again in the battle of New Orleans, where Jackson gained another great victory which would have ended the War of 1812 if it had not been previously brought to a close by the Treaty of Ghent. The conduct of General Butler at the decisive battle of New Orleans on the 8th of Jan., 1815, was such that General Jackson said of him that he 'displayed the heroic chivalry and calmness of judgment in the midst of danger which distinguished the valuable officer in the hour of battle.' He was, for his conduct in this battle, brevetted major. He was a member of the Kentucky legislature in 1817 and of Congress from 1839 to 1843. He was a candidate for governor

of Kentucky in 1844, but was defeated by a small majority. In the Mexican war he was appointed major-general of volunteers under General Taylor in 1846, and was severely wounded in the battle of Monterey. In 1848 he succeeded General Scott as commander-in-chief of the army in Mexico and held that position until peace was declared May 9, 1848. After the Mexican war he was nominated for Vice-President of the United States on the ticket with Gen. Lewis Cass, but was defeated. No one could have beaten General Taylor after his connection with the Mexican war, as General Butler very readily learned. In 1861 he was one of the six commissioners of Kentucky to the peace conference at Washington. Outside of his military career, for which he had a great fondness, he was a lawyer by profession and stood high at the bar. He was a man also of considerable literary taste, and wrote when he was young a number of poems which were published in book form. One of these poems entitled 'The Boatman's Horn' went the round of the press and was exceeded in popularity only by the 'Bivouac of the Dead' of O'Hara and 'The Closing Year' of Prentice." For portrait see p. facing 288.

CALDWELL, SMITH S., deceased, pioneer banker of Omaha, was born Sept. 4, 1834, at Marion, Wayne Co., N. Y., on the farm on which his father was born. The family was of Scotch-Irish and Huguenot descent. The following appears in the Caldwell records taken from a manuscript in possession of the family:

"Joseph, John, Alexander, Daniel, David, and Andrew, of Caldwell, went with Oliver Cromwell (whose grandmother was Ann of Caldwell) to Ireland, of which he was then Lad Galma. After his promotion to the protectorship of England, they remained in his interests in Ireland until the restoration of the crown and Charles II. Joseph died in Ireland and David continued there. Several of their children emigrated to Virginia and settled near the James river; others to Maryland, New Jersey, New York, and North and South Carolina."

The first of this particular family to settle in America was Dr. Joseph Caldwell who came from the north of Ireland and about 1750 settled on the Black river, a branch of the Raritan, near the village of Leamington, Somerset county, N. J. Dr. Joseph Caldwell had two sons, Samuel Harker who graduated from the University of New Jersey and afterwards settled at Marion, Wayne county, N. Y., and Joseph Caldwell who graduated from Princeton college and was afterwards tutor, professor, and the first president of the University of North Carolina, holding that position until his death, giving a long service of thirty-one years as president of the university. Mr. Caldwell's father, Joseph Caldwell, was also a graduate of the University of North Carolina and married Sarah Smith of Amherst, Mass., Apr. 22, 1808. Joseph Caldwell was a stern, strict Presbyterian divine who resided almost his entire life on the old "home farm" at Marion, N. Y. Smith S. Caldwell, an only son, followed closely the scholarly traditions of the family, and in his seventeenth year entered the then famous preparatory school of Williston seminary at East Hampton, Mass., from which he was graduated in June in the class of 1853. In the autumn of that year he entered Hamilton college where he remained three years, being initiated into the Alpha Phi chapter of Chi Psi. This fraternity had some trouble with the faculty at Hamilton college, and its members left in a body and entered Union college at Schenectady, N. Y., from which class young Caldwell was graduated in 1857. In the fall of 1857 he entered the Albany (N. Y.) law school, from which he was graduated in the class of 1859, and was admitted to the bar in New York state.

While in the law school, during a summer vacation, Mr. Caldwell set out to see the great West. He went as far as Omaha, and decided then to settle in "Omaha city," as affording, in his opinion, the best field for an ambitious young lawyer. He settled permanently in Omaha in 1859, entering the office of James M. Woolworth, and was admitted to the bar in the territory of Nebraska, Apr. 4, 1860. Finding the actual legal business dull, on May 1, 1860, he associated himself with Ezra and Joseph Millard, forming a copartnership under the name of the Banking House of Barrows, Millard & Co., Mr. Barrows's name after that date being retained only for convenience on account of its influence, and because Mr. Caldwell still had thought of following the practice of law. In 1863 Mr. Caldwell went east to be married to Henrietta M. Bush, a daughter of Jabin Strong Bush of Tioga, Tioga county, Pa., and she returned to Omaha with him. Mrs. Caldwell, a descendant of one of the best families in northern Pennsylvania, had been educated at Miss Edwards's school at New Haven, Conn., and lived during her young womanhood in New York city, where her uncle was a banker and broker, and her bright social disposition and great capacity for making friends contributed in no small degree to her husband's success in busi-

ness. In 1864 the style of the firm was changed to Millard, Caldwell & Co., and two years later Mr. Charles W. Hamilton was admitted into the partnership with a one-fifth interest. In 1866 Mr. Ezra Millard wished to establish a national bank, which Mr. Caldwell did not favor. There was a strong bond of friendship between Ezra and Joseph Millard and Mr. Caldwell, and when it was decided to organize the Omaha National bank, the latter took an equal amount of stock with Ezra and Joseph Millard, and this interest has ever since been retained in the family. This change occasioned another, and the old firm was succeeded by the banking house of Caldwell, Hamilton & Co., into which Mr. Milton T. Barlow entered as a member of the firm with a one-fifth interest, Caldwell and Hamilton being from then on equal partners. From the time Mr. Caldwell entered into the banking house of Barrows, Millard & Co., he was actively identified with every step in the development of Omaha and the state. His excellent education, his special knowledge of commercial and corporation law, and his quick perception and good judgment soon caused him to be sought after in important business enterprises. He was a man of scholarly tastes, refined and aristocratic in manner, and absolutely independent in character. His mind was unusually active, his decisions almost instantaneous and seldom changed, and he was remarkably loyal to friends and business associates.

The first entire brick block built in Omaha was built through the energy and under the direction of Mr. Caldwell, and associated with him were J. J. Brown, John I. Redick, Joseph Millard, and others. It was on the south side of Douglas St., between 13th and 14th, and gave to the public the first substantial theater the city possessed, the famous old Academy of Music. The building was called Caldwell block and named in his honor by the various other owners of the property. From 1869 to 1872 Mr. Caldwell, then but thirty-five years of age, was president of the O. & S. W. R. R. Co., which built one of the pioneer railroads of the state from Omaha to Plattsmouth and afforded a much needed outlet toward the south. This small road was a big undertaking in those days, being built upon the capital and credit of those associated with him. It was afterwards purchased by the Burlington Co., and is now the main line of the B. & M. R. R. R. between Omaha and Plattsmouth. Mr. Caldwell was one of the prime movers in building the Grand Central hotel, which at the time contributed very materially to the welfare of Omaha, giving it the much needed sign of outward prosperity so essential to ambitious cities in the new West. He devoted all his energy to this project and within a short time secured 100 names to a pledge of $1,000 each for the erection of the hotel—a remarkable demonstration of the confidence reposed in him by the business men, and a large sum of money for those days. In the South Omaha Land syndicate he was a director and influential factor. The city of South Omaha and the Union Stock Yards Co. are the outgrowth of the plans of this syndicate. He was one of the original builders of the Omaha waterworks, of which Caldwell, Hamilton & Co. were large stockholders, and from the sale of which to the present company they derived a very substantial profit. Mr. Caldwell was a member of the first board of the Omaha public library, and in 1871 was elected mayor of Omaha on the republican ticket. To this office he gave vigorous business management and executive abilities of a high order. Mr. Caldwell was United States pension agent at Omaha from 1870 to 1875, and United States district agent in the erection of the post-office and court house at Omaha from 1870 to 1876. In 1883 the banking house of Caldwell, Hamilton & Co. was merged into the United States National bank of Omaha, and on the 26th day of June in the following year Smith S. Caldwell died in the prime of his useful life, but a little over forty-nine years old. At this writing (1905) his wife, Henrietta M. Caldwell, still resides in Omaha, and with her live their two surviving children: Victor Bush Caldwell and Samuel Smith Caldwell. Victor B. Caldwell was graduated from Phillips academy, Andover, Mass., in 1883 and from Yale university in the class of 1887. He was married Oct. 10, 1888, to Nellie Rees Hugus, daughter of John W. Hugus of Pasadena, Cal. Mr. John W. Hugus was one of the pioneers of the state, and both Mr. and Mrs. Caldwell were born in Omaha. Victor B. Caldwell is cashier of the United States National bank of Omaha. Samuel S. Caldwell is unmarried and associated in the mercantile business with Randall K. Brown, a son of the late J. J. Brown, under the firm name of Caldwell & Brown, miners and shippers of coal

CARRIGAN, JOHN, deceased, pioneer of Washington county, was born in Maryland, May 15, 1843, and died in Blair, Neb., Apr. 18, 1880. His father died in 1847, and when John was ten years of age he removed to Illinois with his mother, where he resided until the outbreak of the Civil war. Though but

eighteen years of age he joined the Union army, and served in Co. C, 66th Ill. Vol. At the close of the war he removed to Davenport, Ia., and began the study of law. He was admitted to the bar in 1867. He then went west in search of a field of labor. He first went to Cheyenne, Wyo., but found the country too new for a successful legal practice, so retraced his steps to Nebraska, and settled at De Soto, which then promised to be the initial point of the S. C. & P. railroad then in contemplation. When Blair was fixed upon as the site of the new railroad town, he was one of the first to erect a dwelling for himself and family. Mr. Carrigan practiced law in Blair until his death, and from his first admission to the Nebraska bar his rare ability and worth were quickly noted and acknowledged by his brother members of that profession. During the entire time of his practice he stood in the front rank, and was always held in the highest esteem by his associates, not only for his scholarly attainments but for his warm-hearted courtesy and friendship towards his fellows. His reputation as a lawyer was not confined to the locality in which he lived, but his connection with noted civil and criminal cases extended beyond the limits of the state. Mr. Carrigan was a member of the Washington County Bar association and upon the announcement of his death the Omaha Bar association adopted appropriate resolutions. He was married in 1868, to Carrie Palmer of Canton, O., who survives him and resides in Blair. Two children were born of this union: E. Burke Carrigan, lawyer, Blair, and Mrs. Nora C. Smock, Garner, Ia.

CARTER, LEVI, deceased, was a territorial pioneer and rugged frontiersman, widely known in early days as a pushing government contractor, a freighter, a railroad contractor, and later as the head of one of the most prosperous manufacturing enterprises of Omaha, the Carter white lead works. Mr. Carter was born on a farm in Belknap county, N. H., in 1830, and died in Omaha, Neb., Nov. 7, 1903. Both of his grandsires were soldiers in the Revolutionary war. His paternal grandfather, Moses Carter, was a native of Massachusetts, but removed to New Hampshire when he was about twenty-five years old and lived there the rest of his days. He was a farmer and a soldier, and in politics a Jeffersonian democrat. His son Levi, father of the Levi Carter of whom we write, died in 1894. In his youth he acquired a common school education. In early life he was a democrat, but subsequently became a republican. He was a man of considerable consequence in the vicinity of his home, and at one time served as a county commissioner. About the year 1805 he married Polly Piper, daughter of Stephen Piper, a farmer, and a soldier of the Revolution. Both father and daughter were natives of New Hampshire. Polly (Piper) Carter's education was as complete as could be afforded by the common schools of her native state. She and her husband were both very devout members of the Baptist church. She was the mother of ten children, the seventh being Levi Carter, Jr., who attended the district school near his rural home during his early youth, and then an academy in New Hampton until his twentieth year. Upon leaving school he learned carpentering. He remained in New Hampshire until 1855, when he migrated west and after working at his trade for two years in Illinois and Wisconsin, he settled at Nebraska City in 1857, where he lived for the succeeding ten years, removing in 1867 to Omaha. While he lived in Nebraska City he was engaged in freighting across the plains, the last seven years of that time being in partnership with Gen. Isaac Coe under the firm name of Coe & Carter. Closing out their business at Nebraska City, Messrs. Coe & Carter engaged in railroad contracting, in which they continued until 1894, after which time they engaged in various enterprises until the firm was dissolved in 1898. Meantime, in 1888, Mr. Carter had bought the Omaha White Lead Co. and incorporated it during the same year as the Carter White Lead Co. This company now has its principal factory in Chicago, but its establishment at east Omaha was the original factory. The Chicago plant is twice as large as that at Omaha, and the two afford employment to about eighty men. It is among the biggest white lead concerns in the country, and under Mr. Carter's management came to be known in the commercial affairs of all the leading cities of the United States. Mr. Carter was a democrat whose fealty to his party never wavered. He was a member of the Omaha club and the Omaha Commercial club. He was married in 1872 to Miss Salina C. Bliss, a native of Chicago, Ill., a daughter of Geo. Bliss, and niece of Gen. Isaac Coe. Mrs. Carter survives her husband, and still resides in Omaha. Mr. Carter was recognized as a shrewd, progressive, and far-seeing business man, and among his personal acquaintances as a good citizen and a socially companionable gentleman of charitable impulses.

CASSELL, JOHN NELSON, retired farmer and business man of Aurora, Neb., was born in Frederick county, Md., May 21,

1835, son of George and Sarah Nelson Cassell, the former born in Maryland of a colonial family, originally of Hesse-Cassel, Germany, and the latter, a daughter of Rev. Burgess Nelson, of English descent and a minister of the Methodist Episcopal church. About 1840 George Cassell moved with his family to a farm near Mount Vernon, O. There John Nelson Cassell grew to manhood. His early education was acquired in the public schools, and his collegiate training at Madison (Pa.) college, from which institution he was graduated in 1859. Soon after leaving college he was elected principal of the high school at Mount Vernon, O., but upon the breaking out of the Civil war he resigned his position and recruited Co. G, 20th O. Vol. Inf., of which he was chosen captain, and for two years was in active service in the Union army. Then he was forced to retire on account of ill health, the result of exposure, and returned to his home. Recovering, he organized Co. A, 194th O. Vol. Inf., and again entered the army, but after a few months of service was again obliged to retire on account of failing health. In 1868 he settled at Lincoln, Neb., seeking a renewal of health in the Nebraska climate, and for ten years he was prominently identified with the business interests of the city of Lincoln. In 1871 he was elected a member of the state constitutional convention from Lancaster county, being one of the few surviving members of that body. In 1878 he moved to Aurora, and in the following year was elected sergeant-at-arms of the Nebraska state senate. He has five times filled the office of councilman, and has served one term as mayor of the city of Aurora. He is the owner of a valuable farm which adjoins the corporation, a substantial brick block, and other desirable property in the city. He is a member of the Masonic order, belonging to the various bodies up to and including the Knights Templars and Shriners. He is an Odd Fellow, a member of the Knights of Pythias, Red Men, and the Grand Army of the Republic. Mr. Cassell was first married in 1864 in Ohio to Miss Jenny Stigers, who died in 1889. Jan. 28, 1892, Miss Mattie Whiting Hogan of New Kent, Va., became the wife of Mr. Cassell, and two children have been born to them: Madeline, born Mar. 15, 1893, and John Nelson, Jr., born Jan. 25, 1895. Mrs. (Hogan) Cassell is of Welsh descent on the paternal side and Scotch and English on the maternal side, being a direct descendant of Rob Roy, and of the house of Lord Guilford Dudley. Her mother was a Miss Whiting of the distinguished Whiting family of Virginia. She is a descendant of Colonel Beverly of colonial fame, also of the distinguished Crittenden family of Kentucky.

CASTOR, BERNARD L., son of Tobias Castor, was born in Vinton, Ia., Oct. 14, 1859. When he was three years old his parents moved to Saline county, Neb., where he received all the schooling he ever had in the public schools of the then frontier. He began work at an early age, and as his father was engaged in the grain and merchandise business he took naturally to it. He had charge of his father's business at Wilber and Benkelman, and while at the latter place supplied the ranchmen and the railroad contractors until 1884, when he went into the insurance and real estate business at Wilber, where he has since resided. In the real estate business he has loaned over $2,000,000 of eastern capital without the loss of a dollar. He has large mining interests at Victor, Col., and valuable water rights in the same section of that state. He also owns several improved farms in Saline county, Neb. He is a democrat, although he has never taken any active interest in politics. On Oct. 14, 1880, he was married to Miss Kate A. Grimes, and four children have been born to them. The three children living are Ada M., Gaylord C., and Bernard Tobias. A daughter, Markela, died in infancy.

CASTOR, TOBIAS, deceased, pioneer railroad promoter and prominent political organizer of Nebraska, was born in Ashland county, O., Oct. 22, 1840. At the age of fourteen he removed with his parents to Iowa, and lived on a farm near Vinton, in that state, until 1862 when he migrated to Nebraska and settled on the Big Blue river in Saline county, just below the site of Wilber, the present county seat. His ability and energy at once made him prominent in the organization of the new community. He held the office of county treasurer, and afterwards the offices of county clerk and surveyor. The duties of these positions were discharged with the same energy and efficiency which he had shown as a trapper and land locater in his earlier years in the territory. When the Burlington R. R. Co. extended its lines down the Blue river valley he became connected with its land and right-of-way department. His efficiency was such that in 1879 he was put at the head of the right-of-way office, and had charge of securing the right of way for all the great lines of that company constructed since that time in Nebraska, Colorado, Wyoming, Montana, South Dakota, Missouri, Iowa, and Kansas.

Yours truly
Tobias Castor

In later years his working headquarters and residence were at Lincoln, Neb. He did not, however, dispose of his old homestead on the Blue river nor of his interests in Wilber. He was rightly credited with having been the chief instrument in locating the county seat there, and he showed at all times a warm interest in its welfare. Though not of late years a holder of public office he was an important figure in state and national politics. He was a delegate to the Democratic national conventions of 1876, 1884, 1888, 1892, and 1896, and a member of the democratic national committee from 1892 to 1896. In this capacity, as in others, he exhibited unusual ability and business capacity. Among his friends he was warm hearted and a most genial companion. Though he lacked the advantages of early school training, his vigorous and keen mind cut to the core of business and political questions with remarkable force and precision. He greatly relished the game of practical politics, and for keen insight, correct judgment, and efficient action in the political field he had few equals. He promptly quit the democratic organization when the silver question became imminent. Yet he had held all his life to the fundamental principles of the Democratic party, and this kept him in opposition to republicanism; so that, like many thousands of old-time democrats, he lived through his last years and died without party affiliations.

Mr. Castor was married Oct. 22, 1858, at Vinton, Ia., to Catherine, daughter of J. S. Hunt, of that place. Four children were born to them: Bernard L., Rosamond B., Carrie Irene, and George Thurman Castor, all of whom are living. He was married at Sioux City, Ia., Jan. 24, 1889, to Mary A. Cooper who survives him and resides in Lincoln, Neb. He died suddenly on a railroad train between Lincoln and Havelock on Dec. 12, 1901, while pushing his business with his characteristic energy.

CHURCH, JARVIS SERVETUS, deceased, was born in Springboro, Crawford county, Pa., Apr. 2, 1830, son of Rev. Jesse E. and Julia (Bailey) Church. The former was for many years identified with the Christian church in New York, western Pennsylvania, and northeastern Ohio, and was a descendant of a colonial family, which settled in Connecticut in an early day, his father being a soldier in the Revolutionary army. Mrs. Church's father was a soldier in the English army during the Revolutionary war, and in 1877 was captured by the American forces near Albany, N. Y., and held a prisoner until the close of the war, when he settled near Fredonia, N. Y., and there he passed the remainder of his days. Jarvis S. Church gained the rudiments of an education in the common schools of Pennsylvania, and afterward attended Kingsville academy in Ashtabula county, O., and Oberlin (O.) college, leaving the latter before graduation in the summer of 1853. He then studied law, and was admitted to the bar at Waterloo, Ia., in 1857, and commenced to practice at Mason City, Ia., where he had settled in 1855. There he was prosecuting attorney, county judge, and superintendent of public schools. During the Civil war he was commissioned by the provost marshal to keep the quota of men called for by the President up to the standard in Worth, Winnebago, and Cerro Gordo counties, Ia. In 1866 he removed from Mason City, and became a resident of Brownville, Neb. In 1869 he was a representative in the state legislature and served in the fifth, sixth, and seventh sessions. He was mayor of Brownville for one term, and county judge for ten years. For four years he was president of the Southeastern Nebraska Building and Loan association of Auburn, and for three years the editor of the Brownville *Advertiser*. Judge Church was a member of the Christian church, but on account of the lack of an organization of this people he worshiped with other churches. He was married at Mason City, Ia., Jan. 4, 1857, to Miss Sabra L. Vanpatter, and there are three living children: Mrs. Bertha Winters, Pocatello, Idaho; Mrs. Ida E. Good, Peru, Neb.; and Hallie E. Church, a lawyer at Oklahoma City, Okl. Their only other child, Lucius B., died while attending the University of Nebraska. Judge Church died May 1, 1905.

CLARK, ISAAC S., deceased, pioneer of Richardson county, Neb., was born in Holland Patent, Oneida county, N. Y., Mar. 28, 1824, and died near Verdon, Richardson county, Neb., Oct. 12, 1897. He was of English ancestry, and was the tenth son of a family of thirteen children born to Asa and Polly (Shear) Clark. In his youth he attended the common schools, and finished his schooling in the academy in his native town, and in the Whitesboro (N. Y.) high school. After leaving school he took charge of his father's farm, which he worked "on shares" for a time, then, in 1849, went to Mobile, Ala., where he was in the daguerreotype business with his brother-in-law, L. C. Barnes. He remained at Mobile for eight years, when failing health impelled him to seek a home

in the West, and in the spring of 1857 he removed to Nebraska, and filed upon a claim in Richardson county, near the present site of Verdon. This farm, for which he paid the government $1.25 per acre, he retained during his life. It is still in the possession of his family, and is one of the best equipped and richest farms in the county. For a number of years he carried on diversified farming with the greatest success. After five years in the state, he went back to New York, where he remained for three years in business with his brother-in-law, Charles J. Cotes, then returned to his Nebraska home where he lived until his death. He was generally successful in his undertakings—the result of the exercise of good judgment, hard work, and honest effort. He was one of the promoters of, and a stockholder in the Verdon State bank of Verdon, Neb. In 1864 he joined the Baptist church in which he was a prominent member during the remainder of his life, serving for many years as a deacon. He was a stanch advocate of temperance, and with his wife was active in furthering the cause of prohibition. Mr. Clark was married in Oneida county, N. Y., Mar. 3, 1858, to Miss Eliza S., daughter of Eliphalet Cotes, a member of a prominent New England family. One of the brothers of Mrs. Clark was William Henry Cotes, who for some years was a prominent resident of southern Nebraska. He was born in Oneida county, N. Y., Feb. 9, 1828, received a common school education, and in the spring of 1858 removed to Nebraska, and settled on a claim in Richardson county. He was successful, became prominent in local affairs, but was dissatisfied with pioneer life, and about 1863 returned to his native state, where he engaged in the dairy business in which he continued for nearly forty years, till the time of his death, Aug. 15, 1900. George W. Clark, a brother of Isaac S., was born in Oneida county, N. Y., June 4, 1822, migrated to Nebraska in 1858, and preempted land in Richardson county. After settling in the state he lived only a few months, dying in Oct., 1858, leaving a widow and a son four weeks old, George Dennison Clark, who is now a prominent resident of Richardson county. He was born Sept. 9, 1858, received a good education, and has been highly successful in his career. He married George Alice, the daughter of George and Louisa (Lamberton) Lacy, formerly of Missouri, and they have had three children: Lacy D., George E., and Flo. Mrs. George W. Clark, mother of George Dennison Clark, is a daughter of Alvin Dennison of Floyd, Oneida county, N. Y., who died in Kansas in 1870.

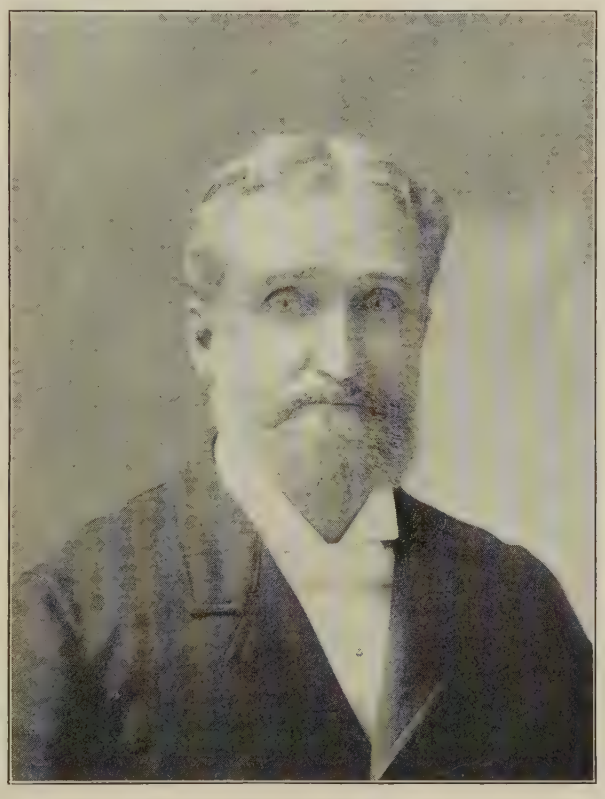
CLARKE, HENRY TEFFT, president of the Nebraska State Historical Society, now a resident of Omaha, has been one of the energetic and useful pioneers of Nebraska. He is descended from an influential family of colonial pioneers, and has been an active factor in the upbuilding and development of the central West. He is a native of Greenwich, Washington county, N. Y., and was born Apr. 26, 1834. His first colonial ancestor was Dr. John Clarke, physician, theologian, linguist, and statesman. Dr. Clarke was the first Baptist elder in America, having arrived in Boston in Nov., 1637, and he was a leading spirit among the colonists at Newport, R. I., from 1638 to 1676. In 1637–38 he took a prominent part in the organization of Rhode Island and was second in authority in the administration of its affairs. Later he was sent to England in an official capacity, and Oct. 9, 1663, he obtained the royal signature of King Charles II. to the charter for Rhode Island, which was the first charter to separate church and state and under which the people of that state lived until 1842, nearly 200 years. Mr. Clarke's great grandfather emigrated to Washington county, N. Y., before the Revolution and was a justice of the peace under the colonial government. He had a farm near Whipple City, now Greenwich, and built the third house in the village, five miles east of Schuylerville, where General Burgoyne surrendered, and thirty-five miles north of Albany. He married Mary Kenyon who, at the age of fifteen years, was stolen by the Indians. She escaped from them and wandered in the forest for many days, subsisting on berries, until she finally reached her home. Henry T. Clarke's father, Isaac Dunton Clarke, emigrated from Providence, R. I., to Greenwich, N. Y., in 1829, where he became a prosperous merchant tailor, and built the first academy. On Feb. 22, 1831, he married Sophia Tefft, who was a descendant of a pilot on the Mayflower who died at South Kingston, R. I., in 1676. To this marriage Nebraska is indebted for four of its well-known citizens: Artemas M., William Edward, and Henry T. Clarke, of Omaha, and Augustus W. Clarke, a resident and banker of Papillion.[1]

The rudiments of Henry T. Clarke's education were acquired in a little yellow schoolhouse on his grandfather's farm at Greenwich,

[1] For biographies of Artemas M. and Augustus W. Clarke see vol. II of this History.

Respectfully
Bernard L. Castor

where the late President Chester A. Arthur was his fellow pupil under the tutelage of Margaret White. He finished his education at the village academy built by his father on the lot adjoining the family home. At the age of thirteen he went to Erie county, Pa. where he worked as a clerk in a store. In the spring of 1852 he went to Cleveland, O., and was employed in a wholesale and retail store. In the fall of the same year his employers sent him on important business missions to Cincinnati and Nashville, and in the following spring to New Orleans. In the spring of 1855 Mr. Clarke determined to go farther west, selecting Lawrence, Kan., as his objective point. He left Chicago on Apr. 26, and drove from the western terminus of the Rock Island, then in Illinois, by way of Davenport, Iowa City, Ft. Des Moines and Kanesville (Council Bluffs), to Omaha, which he reached May 7. At that time there were few settlers west of Des Moines. After remaining a short time at Omaha and Bellevue he went south as far as Kansas City, Mo., and thence northwest to Lawrence and Topeka, Kan. There was at that time only one white woman in Topeka. He subsequently returned to Leavenworth, but was led to return to Bellevue by a conviction that sometime a railroad would be built up the Platte valley and that Bellevue was likely to become its eastern terminus, as the Missouri river at that place was narrow, had a rock bottom, and afforded the most feasible crossing to the Platte valley by way of Papillion creek, which rises near the Elkhorn and Platte valleys about thirty miles west of Bellevue and flows into the Missouri river.



HENRY TEFFT CLARKE

Taking two surveyors and spending a week in looking over the topography of the country north and west, Mr. Clarke concluded that the proper place to enter the Elkhorn and Platte valleys from the Missouri river valley was at the point where the U. P. R. R. now enters. He immediately returned to Bellevue, determined to make it his permanent home. Later developments in the building of the U. P. R. R. fully sustained the correctness of his views. After contending against the combined influence of money and politics exerted in favor of Omaha and Council Bluffs, Bellevue lost the eastern terminus by a vote of 7 for Omaha and 6 for Bellevue. The road now runs southeast from Omaha to a point about three miles west of Bellevue over a grade of sixty-eight to eighty feet east and west, while to have reached the river by way of Bellevue it would have encountered a grade of only twenty to thirty feet east and west. At the time of Mr. Clarke's arrival at Bellevue the agencies of the Omaha, Otoe, and Pawnee Indians were located there, and also the blacksmiths for the three tribes, respectively, Messrs. Anderson, Mitchell, and Lang. Here were also Fenner Ferguson, first chief justice for Nebraska; J. Sterling Morton, first clerk of the United States court; Col. A. D. Gilmore, of the United States land office, and many others; Logan Fontenelle, "the white man's friend" and chief of the Omahas; Henry Fontenelle, and many under chiefs; while five miles west at the forks of Papillion creek, and one mile west of the present site of Gilmore, on the U. P. R. R. there was a village of a thousand or more Omaha Indians.

General Peter A. Sarpy was in charge of the American Fur Co.'s trading post at the steamboat landing two miles north of the agency buildings, where he did a large trade

with the Indians and with California and Mormon emigrants. He operated a steam ferry between Traders Point on the Iowa side and Bellevue. "Commodore Stephen Decatur" was one of Sarpy's clerks. He was a brother of Lieutenant Governor Bross of Chicago, Ill., who in 1855 came to see Decatur, but the latter would not recognize him and Governor Bross returned home much disappointed. The trading post was a hewn log building about 24 x 48 feet in dimensions and two stories high. It contained four rooms of equal size, trading and store rooms below and living rooms above. There was a chimney at each end of the building and a fireplace in each room. A double two-story porch, facing south, overlooked the Missouri river. During the boating season in those days it was common to have several St. Louis steamboats at a time tied up at the landing, which was the finest and most permanent on the Missouri river. Some twenty feet east of this trading house Sarpy had a log house, eighteen feet square, built for his Indian wife Ni-co-mi, of whom he was very fond, and who made many presents to the Indians and protected the General from danger many times. Sarpy's white wife, Mrs. Robinson, lived at St. Mary, a town near by on the Iowa side four miles south, and since washed away. "Midway between the agency building and the trading house, on a plateau eighty feet above the river bottom, and commanding a beautiful view of the river and the Iowa bluffs for many miles, stood the Presbyterian Indian mission school, under the care of Rev. William Hamilton. This building facing the east was 36 x 80 in ground dimensions, two stories high, with two L's of the same height, 24 x 40 in size. There were six rooms in the main building and four in each L. A well was within the enclosure, which was made with the opening to the west. The building was constructed of large cottonwood logs, faced on the inner and outer sides. Joists on the second floor were made by hewing, or squaring the timber and afterwards using a whipsaw, one man above and one below to operate it. The lower and upper joists were made by facing only one side of the timber." This building afterwards became the Bellevue House, one of the best hostelries in the territory, and was operated by James T. Allan.

In the spring of 1856 Mr. Clarke became the steamboat agent at Bellevue, and from dealing in a small way in provisions he soon branched out into a general merchandise business. In 1862 he took a contract to furnish the government with corn and oats at Ft. Kearney, located on the south side of the Platte river, about two miles east of the present city of Kearney and 200 miles west of Bellevue. The supplies were hauled by oxen and horses from Bellevue and the surrounding territory, where the farmers had large crops. Later he contracted to furnish large quantities of hay, corn, and wood for the army. Upon the completion of this contract in 1864, having a large train of oxen and wagons, he commenced buying general merchandise and miners' supplies, and freighted them to Denver, where he successfully sold them at wholesale. The trains used for freighting in those days usually comprised twenty-seven teams, five to seven yoke of cattle, and two wagons to a team. The front wagon carried 4,000 pounds, and the rear wagon, attached to it by a short pole, carried 3,000 pounds. The start westward was usually made in the spring as soon as there was grass sufficient to sustain the stock. The distance was 600 miles, over roads as fine as could be found in any country, and it was customary to make two round trips a year. At that time stages usually made the trip between Omaha and Denver in six days and nights, and the fare was $125 each way. The traveler of that day was regaled at the stage stations with a menu comprising side bacon or dried salt pork, coffee, warm bread, dried apples, or unpared peaches. To the traveler who now makes the trip in about one-tenth of the time and at about one-tenth of the cost, enjoying the sumptuous fare of the modern dining car and the luxurious ease of the Pullman sleeper, these incidents afford a suggestion of the velocity of the world's progress.

In 1864 and 1865 Mr. Clarke vainly endeavored to secure the location of the eastern terminus of the U. P. R. R. at Bellevue, and spent a great deal of time and money in making surveys east and west of that town for grades and line and in sounding the Missouri river for bridge foundations. In 1865, under direction of the president of the United States, the government sent Col. James H. Simpson of the engineer corps of the army to look over the various lines suggested for the road west from Omaha. In his report, Sept. 18, 1865, to Hon. James Harlan, Secretary of the Interior, Colonel Simpson said: "Viewed simply as a problem in engineering to select the best route to connect the Union Pacific road with the Missouri river, the result is unquestionably as the table shows in favor of No. 5, or Bellevue route. Route No. 5 is 40 per cent superior to original route No. 1." From this it is evident that Mr. Clarke's views as to the proper place for the location

of the eastern terminus of the great transcontinental railway were correct. In 1867 Mr. Clarke began surveying lines for railroads from Bellevue to Omaha and Sioux city, and from Bellevue to Lincoln. He completed the survey between Omaha and Lincoln, and obtained right of way over a portion of the line. Omaha and Douglas county pledged him $100,000 cash and $50,000 in bonds for the construction of the first ten miles of this line, which was built and is now owned by the Burlington Co. It is part of the line that runs from Omaha to Bellevue and thence south.

In 1870 Mr. Clarke commenced building railroad and highway bridges, aggregating in length from one to two miles a year. He built seven bridges over the Platte river, three of which he owned. The last bridge he built was the sixty-one-span truss bridge over the north fork of the Platte river at Camp Clarke, which was completed in 1876. The structure was manufactured at Moline, Ill. and Davenport, Ia., shipped by rail to Sidney, Neb., and transported by team fifty miles to Camp Clarke. The main route of gold hunters to the Black Hills had been by way of Cheyenne, and the purpose of this bridge was to afford a short line to the gold fields by way of Omaha and Sidney. On the completion of this bridge Mr. Clarke sought government protection, as the location of the bridge was in the Sioux and Cheyenne Indian country. On an island in the river, the government built a two-story block house of timbers 6 x 8 inches laid in a solid wall. The lower story was twenty-four feet square and the upper thirty feet square, lying across the corners of the lower story and making an octagon which commanded a view in all directions. Troops were placed in the block house, and during a part of the time a company of cavalry was stationed at the south end of the bridge for the protection of the bridge and Mr. Clarke's large general store of supplies for freighters and cattle men. Camp Clarke post-office was also located in this establishment. Camp Clarke was headquarters for all the North Platte river cattlemen, who owned hundreds of thousands of range cattle. This bridge was indispensable to the government during the Sioux and Cheyenne wars of 1876 and 1877, as the nearest bridge to the west was at Ft. Laramie, 90 miles away, while the nearest eastward bridge was at North Platte, 130 miles distant. The government was a large patron of the Camp Clarke bridge in sending troops and army stores from Ft. Sidney to Camps Robinson and Sheridan. Mr. Clarke established the Clarke Centennial pony letter express, operating between Sidney and all mining points in the Black Hills; and he also established post-offices in all the mining towns. Regular stations were located along this express line from forty to eighty miles apart in a country beset by hostile Sioux and Cheyenne Indians. At that time corn for the sustenance of the horses cost from twelve to fifteen cents a pound and hay from $100 to $125 a ton. The main office of the company in the Black Hills was located at Deadwood, where Mr. Clarke operated a large wholesale store, dealing in mining camp supplies. The post-office department turned over to him at Sidney all mail for the Black Hills, and received from him all mail from that section. For his services he was paid at the rate of ten cents for each letter, all uncalled for mail being returned to the dead letter office. He also had a contract with the war department to carry all army mail between Ft. Sidney and Camps Clarke and Robinson.

A little over three years after he settled in Nebraska Mr. Clarke returned to his native town, Greenwich, N. Y., and Sept. 28, 1859, married Miss Martha A. Fielding, a former schoolmate. Her father, John Fielding, was a native of Belfast, Ire. He was a stanch whig and one of the most successful business men in Washington county. Mrs. Clarke was born Mar. 26, 1834, and died Sept. 24, 1892. Seven children were the issue of this marriage: Harry Fielding, John Tefft, Gertrude Littlefield, William Edward, Charles Hughes, Henry Tefft, Jr., and Maurice Gordon. Harry Fielding Clarke, who was born Aug. 4, 1860, was the first native born member of the Nebraska state legislature, being elected state senator for Douglas and Sarpy counties, at the age of twenty-three years. Charles Hughes Clarke was also elected to the state senate from Douglas county when only twenty-one years of age, being the youngest person ever elected to the Nebraska legislature. He was a natural leader of men, and was one of the framers of the maximum freight rate law. He died June 1, 1893, in Lincoln, Neb. Henry Tefft Clarke, Jr., was graduated at the University of Chicago and the law department of the University of Michigan. He was a member of the state legislature from Douglas county during the session of 1905. Maurice Gordon Clarke was graduated at the University of Chicago.

In politics the Clarkes and Teffts were always whigs and republicans. In 1862 Henry T. Clarke was a member of the Nebraska house of representatives. In 1864 he was elected to the council (now the state senate),

being the first of the three members of the immediate family to occupy seats in that body. He was a prominent candidate for the gubernatorial nomination in 1888. He was a member of the board of education of Omaha for three years, and president of the board for two years of that time. Mr. Clarke was the first man to be made a master Mason in Nebraska, the raising being by Nebraska Lodge No. 1 at Bellevue. This lodge has since removed to Omaha. He was one of the organizers of the lodge of Veteran Masons at Omaha and was its president. He has for many years been a prominent member of the Omaha club, Commercial club and the Omaha board of trade. In 1894 he was appointed receiver of the Union Trust Co., a large financial institution of Omaha. He was one of the incorporators of the Northwestern Electric Light Co. which first furnished electric light for Omaha. His investment in that concern was a financial loss, as the rapid improvement made in electrical apparatus rendered the expensive equipment purchased by his company almost worthless within a short time after it was installed. Mr. Clarke received a large amount of state lands for building railroads in the state, and he put many thousand acres under cultivation, giving his personal attention to raising grain and stock thereon. In 1879 he became a partner in the wholesale hardware house now known as Lee-Glass-Andreesen Hardware Co., with which his son was associated. In 1883 he started the wholesale drug house of the H. T. Clarke Drug Co. of Omaha, with a branch establishment at Lincoln. His sons Harry, John, William, and Charles were associated with him in this enterprise, and both houses did a large and successful business. In 1857 Mr. Clarke united with the Presbyterian church in Bellevue, Neb., of which he is still a member. He has been a delegate to the general assembly of the Presbyterian church many times, and was for several years a member of the board of trustees of McCormick Theological seminary (Presbyterian) of Chicago. In 1882 he built Clarke Hall, on Elk Hill, at Bellevue, Neb., the institution now known as Bellevue college, and presented it to the synod of the Presbyterian church of Nebraska, together with two residences and 265 acres of ground on which the buildings stand. This college is now the collegiate department of the University of Omaha. Mr. Clarke is president of the board of trustees of the college and was the first president of that board. In Jan., 1905, Mr. Clarke was elected president of the Nebraska State Historical Society and also of the Nebraska Territorial Pioneers' association.

CLARKSON, THADDEUS STEVENS, Omaha, Neb., veteran of the Civil war, was born at Gettysburg, Pa., Apr. 26, 1840. He is a son of Michael Cook and Louisa (Harper) Clarkson, and seventh in descent from Rev. David Clarkson of Bradford, Yorkshire, Eng. His father settled in Maryland in 1848 and the son was graduated from St. James college near Hagerstown in 1857. He enlisted in the Civil war as a private, Apr. 16, 1861, serving in Bat. A, 1st Ill. Art., for three months, and July 16, 1861, reenlisted in the same company for three years. In Dec., 1861, he was commissioned as lieutenant and adjutant of the 18th Ill. Cav., and in Mar., 1863, was assigned to the command of Bat. K, 2d Mo. Art., by Brig.-Gen. John W. Davidson, on whose staff he was then serving in Missouri. In Sept., 1863, he was commissioned as major of the 3d Ark. Cav., and served until Dec., 1864, when he resigned on account of illness. In Mar., 1866, with his eldest brother, Rev. Robert H. Clarkson, first Protestant Episcopal bishop of Nebraska, he removed to Omaha. In 1875, while temporarily residing in South Dakota, he was elected to the legislature of that territory. In Oct., 1890, he was appointed postmaster of Omaha, Neb., serving as such until Mar., 1895. In 1890 he was elected commander of the Department of Nebraska, G. A. R., and the following year was elected commander of the military order of the Loyal Legion for the state of Nebraska. At the national encampment of the G. A. R. held at St. Paul, Minn., in 1896, he was unanimously elected commander-in-chief of that organization, serving the usual term of one year. He was selected by the executive committee of the board of directors as general manager of the Trans-Mississippi and International Exposition held at Omaha, Neb., from June to Nov., 1898, one of the most successful exhibitions of its kind ever held in America. Major Clarkson was married Nov. 11, 1862, to Mary B., eldest daughter of Joseph Matteson, pioneer settler of Chicago. Five children have been born to them: Julia, born 1867, married to Alfred P. Wolcott of Omaha, Neb.; Cecilia Matteson, born 1869, died 1891; Clara, born 1872, married to M. S. Foss of Omaha, Neb.; Bertha, born 1873, married to Dallas Bache, Jr., of San Jose, Cal.; Michael, born 1875, married to Holly Burgess of Omaha, Neb.

CLAYTON, EDGAR, pioneer and prominent farmer of Otoe county, was born in Berkshire, Eng., May 15, 1835. He is of an old English family, his father and his grandfather having been born in Suffolkshire. Both of them were named Robert and were

farmers. Until his sixteenth year Edgar Clayton, who was the fifth of eight children, received careful training at home and at school. He was of a venturesome, energetic temperament, and set out as a traveler, sailing from London to Australia, where for seventeen months he mined in the goldfields. He then went to Sydney, and after a month in that city to New Zealand. After a short stay there he returned again to Australia and spent some time in Sydney and Melbourne; then he went to Hadley, to Van Dieman's Land, the Island of Mauritius; and by the Cape of Good Hope and the Maderia Islands returned to England. After four months he visited Ireland, Scotland, and France, then returned home, and soon after set sail for America, landing in New York in the fall of 1855. The following winter he spent in Genesee county, N. Y., and in the spring started for the West. He reached Iowa City, then the western terminus of the railroad. He then went to Council Bluffs, most of the way on foot. After a short time there he went to Sidney, Ia., and then crossed the river to Nebraska City. The town at that time contained about 100 people, and the country about was sparsely settled. After a short stay he started out on horseback and visited parts of Kansas, spending a month in looking over that state; but finding no place that suited him better than Nebraska, he returned to Otoe county and settled upon the southeast quarter of sec. 24, public land, now in Otoe precinct, and later, when the land was offered for sale, he bought it. On this land he erected a rude cabin, and lived there alone for some time, and carried on farming with success. He improved the place, and gradually acquired additional land, until now he has more than 1,000 acres in Otoe and Nemaha counties, all under the highest state of cultivation, well stocked with the finest grades of cattle and other domestic stock, and in every way equipped for profitable farming. In 1870 Mr. Clayton was married to Miss Ellen Horn, a native of Kentucky, and a daughter of James and Sarah Horn. Mrs. Clayton died in 1880, leaving two children, Eleanor and Nettie Eliza, who have grown to womanhood, and who have been educated in the best schools of the state. In 1881 Mr. Clayton was married to his present wife, Sarah Church, daughter of Reuben and Lydia (Little) Church.

Robert Clayton and his wife, the parents of Edgar Clayton, came to America in 1857 upon the solicitation of their son, and settled in Otoe county; but Mr. Clayton died the following year and his wife, whose maiden name was Eleanor Watts, survived him only a month, both passing their last days on their new home farm. They had eight children, namely, Betsy, Robert, Emma, Eliza, Edgar, Ephraim, John, and Belle. Edgar Clayton has always been a republican since he became an American citizen soon after settling in Nebraska. He is proud of his citizenship and his adopted country, and enjoys the confidence and respect of his neighbors.

CLOWRY, ROBERT C., lieutenant-colonel by brevet, U. S. army, Nebraska pioneer, and president and general manager of the Western Union Telegraph Co., with headquarters in New York, was born in 1838. His early education was received in the public schools. In 1852 he became a messenger boy and a student in telegraphy in the office of the Illinois & Mississippi Telegraph Co. at Joliet, Ill. He was an apt student and a faithful messenger, and after an apprenticeship of six months was appointed manager of the company's office at Lockport, Ill., and in 1853 at Springfield, Ill., and soon after, in 1854, was transferred to the company's office in St. Louis. In 1859 he was appointed superintendent of the St. Louis & Missouri River Telegraph Co., with headquarters at St. Louis, later at Leavenworth, Kan., and in 1860 at Omaha. He was the first to open a telegraph office in Omaha that gave connection with the cities of the East, and for nearly two years was stationed at Omaha as superintendent of the Missouri & Western Telegraph Co., and built the first section of the Pacific Overland telegraph line from Brownville to Julesburg, Neb. In 1863 he was commissioned by President Lincoln as captain and assistant quartermaster in the U. S. army, assigned to duty by the Quartermaster General, and placed in charge of the United States military telegraph in the Southwest, with headquarters at Little Rock, Ark., and later at St. Louis, Mo. In 1865 he was brevetted major and lieutenant-colonel by President Johnson, for "meritorious services and devoted application to duty." He was honorably mustered out of the service at his own request, May 31, 1866. Immediately after leaving the U. S. army, he was appointed district superintendent of the Western Union Telegraph Co.'s lines in the Southwest, with headquarters at St. Louis. In Dec., 1878, he was appointed assistant general superintendent of the Western Union Telegraph Co. with headquarters in Chicago, and in May, 1880, succeeded Gen. Anson Stager as general superintendent of the Western Union Telegraph Co.'s territory west of Pennsylvania to the Pacific ocean, and from the British-American

boundary to the Gulf of Mexico, west of the Mississippi and north of the Ohio rivers. In Oct., 1885, Colonel Clowry was elected a director, a member of the executive committee, and vice-president of the Western Union Telegraph Co., and retained as general superintendent in the territory above described. In Mar., 1902, he was elected president and general manager of that company, with headquarters at New York.

Colonel Clowry has reached success by following precepts which he lately expressed in reply to the question "What are the young man's chances?" In answering Colonel Clowry wrote: "To be successful, the young man should be not only industrious and faithful, but always willing and anxious to perform more service than is allotted to him, to guard and watch his employer's interests at all times, regardless of stipulated hours—whether the employer is the United States government, a large corporation, a firm, or an individual, and the service should be performed not only intelligently, but modestly and unostentatiously, so as not to excite the ill-will of other employees. He should take a large view of the whole business of his employer, and become familiar with all the details of the different departments." Thus, expressed in his own words, is given the secret of Colonel Clowry's own success. His commencement was modest, and his advancement only gradual, and won by merit alone. Personally he is genial and broad minded in his views of life.

Colonel Clowry was married in 1865 to Miss Caroline Augusta Estabrook, daughter of Experience Estabrook, the first attorney-general of Nebraska territory. Mrs. Clowry was a woman of beautiful character and a devoted wife. She died at Lincoln, Neb., Apr. 18, 1897.

COAD, JOHN FRANCIS, president of the Packers' National bank of South Omaha, was born in Ireland, Dec. 5, 1842. His parents, Patrick and Anna (Kelly) Coad emigrated to the United States in 1850 and settled at Albany, N. Y., in which vicinity they lived until 1857, when they removed to Dubuque, Ia., where his father died in 1859; and in the following year the mother, two sons, and one daughter removed to Nebraska City, Neb. Mr. Coad received a common school education, leaving school before removing to Nebraska, but by careful and conscientious reading and study he became remarkably well posted on political, religious, and many scientific subjects. In 1860, before Mr. Coad was eighteen years old, he, in partnership with his brother, Mark M. Coad, long a resident of Fremont, started a freight transportation business, which was at first conducted in a small way, but gradually grew in extent until they had trains of wagons, drawn by oxen, hauling merchandise and freight overland from the Missouri river to the military posts in Colorado, Montana, and Wyoming. One of these trains usually consisted of twenty-five heavily loaded wagons, each drawn by twelve oxen, which were driven across the plains and compelled to withstand the intense heat of the summer sun and the rigid cold and snow of the mountain winter. During these years young Coad encountered all the hardships incident to frontier life, traversing a country occupied by hostile Indians, and braving the severe weather of the Rocky mountains, a task that would have disheartened men of less determination and energy. In 1871 Mr. Coad, in company with Dwight J. McCann of Nebraska City, was awarded the contract, by the commissioner of Indian affairs, of forwarding supplies from Cheyenne to the Red Cloud and Spotted Tail Indian agencies, situated north of the North Platte river. After the Ft. Phil Kearney massacre, by virtue of the Sherman treaty of 1868, all white men were excluded from crossing the North Platte river, and in the carrying out of this contract Coad & McCann, with the permission of the government, drove the first train across the North Platte. At the end of two years, the firm of Coad & McCann was dissolved, and Mr. Coad became a contractor with the Department of the Platte until 1879, and during this time, although he executed contracts that amounted to millions of dollars with the government, he never once had a complaint from its officers. On Aug. 8, 1864, when the Great Sioux war broke out, Mr. Coad, with a freighting train, was crossing the prairie in the vicinity of Ft. Kearney, where he went for protection. This Indian raid extended from Ft. McPherson to St. Marys, Kan. "It was on that day that the Plum creek massacre took place, and Mrs. Kelly and Mrs. Urbanck of Council Bluffs were captured, and Laura Roper was captured on the Little Blue, where many men, women, and children were killed." Settlers who escaped the Indians in this raid continued to come into the fort, some on foot, some on horseback, and others in wagons, for two days, in all conditions, hatless, coatless, and in night-robes. All had to remain at Ft. Kearney until 500 teams were gathered at the fort and were then driven to Denver under military escort. In 1867 Mr. Coad had a con-

tract to supply the 30th U. S. Inf. Regt. with wood, at $75 per cord, to be delivered at stations, as required, between Julesburg and Ft. Laramie, a distance of 200 miles. While loading his first train, a band of 250 hostile Indians just from the Ft. Phil Kearney massacre surrounded his camp at Lawrence Fork, thirty miles northwest of Sidney, Neb. Mr. Coad with three of his men were cut off from the camp and compelled to escape to the Bluffs, pursued by thirty Indians, where they remained in concealment until after dark, and then returned to camp. In the meantime the other Indians surrounded the camp and fought the remainder of his men until sundown, and drove away all the stock and what other cattle they found in the valley. When Mr. Coad reached camp after dark, he dispatched two trusty men to Ft. Sedgwick, near Julesburg, seventy miles away, with a letter to the commanding officer at the post, explaining his dangerous situation, and this officer immediately dispatched Lieut. Geo. A. Armes with Co. M of the 2d Cav. to the assistance of the camp. Upon the arrival of the troops Mr. Coad mounted with some citizens and the troops and started in pursuit of the Indians. After a ride of nearly four days and nights, with the thermometer ranging from 25° to 35° below zero, without shelter and without fire, they recaptured part of their stock and returned to camp, when they found that two-thirds of the men on the expedition were more or less frozen, and but for the stern discipline of Lieutenant Armes and Mr. Coad, in compelling the exhausted men to continually dismount and run beside their horses, many would have perished with the cold. While freighting across the plains Mr. Coad was one of the first to see the great possibilities in cattle raising in western Nebraska, and in 1871 the Coad Bros. established a cattle ranch at Scotts Bluff, Cheyenne county, which increased to large proportions until 1884, when it was sold by John F. Coad to the Bay State Cattle Co. for $750,000. In the establishing and management of this immense ranch, Mark M. Coad remained on the ranch and had charge of the range and cattle, while John F., at Cheyenne, had the financial and business charge of the enterprise. For a number of years prior to 1884, Mr. Coad resided at Cheyenne, Wyo., and became prominent in public affairs, being twice elected to the territorial legislature, serving in the sessions of 1878 and 1884. In Sept., 1884, he removed to Omaha, and since that time has resided there, and has been prominent in business and financial circles. He has made heavy investments in real estate in Omaha, and in farm lands in Nebraska, California, and the South, and has been for many years interested in the banking business, being a director of the Merchants' National bank of Omaha, one of the reorganizers and president of the Packers' National bank of South Omaha, and president of the Coad Real Estate Co. Mr. Coad is an excellent example of that class of men who have made the West the most progressive section of the Union and who by their ability, energy, and conscientious work have achieved a place of honor and wealth for themselves. When Mr. Coad came to Nebraska, his capital consisted of good health, good intentions, excellent judgment, and a determination that knew no obstacles. For years he braved the terrors of the mountains and the plains and underwent hardships that only the strongest men could endure. On Jan. 27, 1870, he was married to Ellen M., daughter of John Leahy, of Nemaha county, Neb., and now has a family consisting of eight boys and five girls, all of whom have been given the advantages of the best schools of the country. John Francis, Jr., was for four years bank examiner for the state of Nebraska, one of the youngest ever appointed to fill this position, and the records of the department show him to be one of the most careful and painstaking. He is now discount clerk at the Packers' National bank, South Omaha. Mark M. is a clerk in the Merchants' National bank, Omaha; William, a graduate of Creighton university, is now completing a course at Harvard university law school. Ellen M. is the wife of Dr. J. P. Jensen of Omaha, who was surgeon of the 1st Neb. Regt. in the Philippine Islands. Mr. Coad and his family occupy one of the finest homes in the city of Omaha, on West Farnam St., where he is surrounded by every comfort and loves to entertain his friends. He is a man whose home is his pride, and though a member of numerous social and business clubs, his pleasantest hours are spent with his family.

COAD, MARK M., pioneer freighter of the plains, was born in Davis township, County Wexford, Ire., in 1832. His father, Patrick Coad, was a farmer, surveyor, and government inspector of roads and bridges. His mother's maiden name was Anna Kelly. His early education was obtained in the parish schools, and while yet very young he had a desire to follow the life of a seaman. This ambition, however, was blighted by the removal of his parents to the United States in 1850. The family settled in Albany, N. Y., and lived in that vicinity until 1857, when they removed to

Dubuque, Ia., where the father died in 1859. In the spring of 1860 Mrs. Coad and her family removed to Nebraska City. In 1861 Mark M. Coad, in partnership with his brother, John F. Coad, started a small freighting business from the Missouri river over the plains to the military posts in the West, which steadily increased until they were running long trains of ox teams carrying merchandise and supplies from the Missouri river to military posts in Colorado and Wyoming. During this time, by reason of the nature of his business over the plains, through the territory of the various Indian tribes, at times of Indian uprisings and depredations, the young freighter met with adventures and dangers, the history of which would make an interesting volume. The Coad Bros. were government contractors in the Department of the Platte from 1865 to 1879, during all of which time they did not receive a single complaint from the government. In 1862 the brothers established two ranches in connection with their freighting business, one known as the Wisconsin, midway between Julesburg and Ft. Morgan, and the other at Julesburg. These ranches were better fortified and protected than some of the military posts, and often afforded a place of refuge for settlers and their property during the Indian uprisings that were frequent in those years. While Mr. Coad was never regularly enlisted in the army, he has rendered valuable service to the government in its warfare against the Indians and has had many hair-breadth escapes from death at the hands of the red men, and rescued the lives and property of many settlers and emigrants from the hands of hostile Indians. In 1871 Mark M. and John F. Coad established a cattle ranch in Cheyenne county, at Scotts Bluff, Neb., to the developing and maintaining of which Mr. Coad now gave his attention. This industry was made to thrive and increase under his direct management until the ranch contained nearly 25,000 head of cattle in 1884, when it was sold to the Bay State Cattle Co. for the sum of $750,000. Mr. Coad has always been a democrat and has never been a candidate for office, although he was a justice of the peace in Scotts Bluff county from 1880 to 1886, during which time he received the munificent sum of $1.60 in fees. Having lived the life of a plainsman on the frontier, he has never been a member of any social or fraternal order. In 1885 Mr. Coad was married in St. Joseph, Mo., to Elizabeth, daughter of Captain Jacob and Mrs. Elizabeth Clapper of Schaghticoke, N. Y. Captain Clapper was a farmer and stockman who served with distinction in the American army in the Mexican war. Mrs. Coad died Sept. 23, 1894. No children were born to Mr. and Mrs. Coad, but they demonstrated their love for children by their many kindnesses to the children of others. Since the death of Mrs. Coad, Mrs. Lillian Paxton, his niece and the widow of Geo. Albert Paxton, has presided over his home. Miss Mary Agnes Kelly, a niece, is his secretary, and Miss Maud Danielson, another niece, a teacher, makes her home with him.

Mr. Coad is now rounding out a varied and useful career in peace and plenty, still participating in large affairs and directing extensive business interests. In 1885 Mr. Coad settled in Dodge county, three miles east of Fremont on a section of well-improved land, where he built a palatial country home, which has become famous throughout the state for its splendid improvements, fine bred horses, and open-handed hospitality. He also owns three fine farms in Madison county, Neb., an irrigated farm in Cheyenne county, and a 12,000-acre horse, cattle, and sheep ranch in Wyoming, all under irrigation. He is president of the Union Consolidated Mining and Milling Co., of which Judge I. R. Whitehead of Cheyenne is secretary and treasurer, and Judge Ezra Keller of Denver is assistant secretary and general attorney. This company owns a gold mine at Kokomo, Col., in the Leadville district, being located in what is known as the "Gold Belt."

COE, ISAAC, deceased, brigadier-general of volunteer militia, Nebraska pioneer and railroad builder, was born in Middletown, Conn., May 15, 1816, died in Columbus, O., Jan. 16, 1899. He was a son of Eli and Lois Coe, both natives of Connecticut, the former of English ancestry, the name being changed from the English form of Coo to Coe during the second or third generation in America. General Coe was educated in the schools of his native town, and commenced making his own way through life by teaching school in Connecticut. Later, for four years, he was a traveling salesman in the South. In 1846 he became a farmer in his native state, and followed that occupation for a number of years. Disposing of his farm, he settled in Butler county, Ala., where he followed the mercantile business until 1858, when with his family he removed to Nebraska City, Neb., which at that time was one of the most important points west of the Missouri river. There he invested his savings in government lands, and commenced freighting, a business he followed

I Coe

until the building of the U. P. R. R. The lands he had bought from the government at a nominal price increased in value rapidly, resulting in a large profit on his investment. He associated himself with the late Levi Carter of Omaha, for the promotion of mining enterprises in the Rocky mountain country, and they developed many of the rich mineral properties in Colorado and other parts of the mountain region. This firm engaged extensively in freighting. They were also deeply interested in the construction of the railroads which later became parts of the U. P. system, among which were the Oregon Short Line, the Denver branch of the U. P. R. R. and other shorter roads. They became interested in various enterprises for the development of the new western country. Mr. Coe was a man of sound and careful judgment, still a bold and energetic operator in all enterprises which he undertook. Nature had equipped him physically and mentally for the great work of blazing the way for the development of a new country. To start with he had only good health, a fair common school education, a mind quick to comprehend opportunities, and an abundance of energy, and courage to take advantage of them, and at the time of his death he was rated as one of the wealthy men of the central West. He might have amassed greater wealth but for his philanthropic and charitable qualities.

Soon after Mr. Coe became a resident of Nebraska City he was elected by the officers of numerous volunteer companies of militia in the division south of the Platte, in the territory of Nebraska, to the office of brigadier-general, and for the years during the Civil war and some time after he was in charge of the division. The military jurisdiction of his division embraced a district bordering seventy-five miles on the Missouri and Iowa lines, and over 600 miles on the Kansas, Colorado, and Wyoming lines. Throughout the troublesome times in which General Coe was in command, the personal liberty and property of the citizens were carefully guarded. Those comprising the militia, including the officers, served without pay, and thus the territory incurred no debt on account of the war. General Coe was one of the old-style democrats, and was thoroughly Jeffersonian in his principles. He was married Oct. 6, 1846, to Miss Sarah L. Bacon, daughter of Ebenezer and Lavinia (Wilcox) Bacon of Westfield parish, Conn. His survivors are his widow, who resides at Nebraska City, a daughter, T. Eloise, the wife of Frank P. Ireland, a lawyer of Nebraska City, and Frank E. Coe of Omaha, Neb.

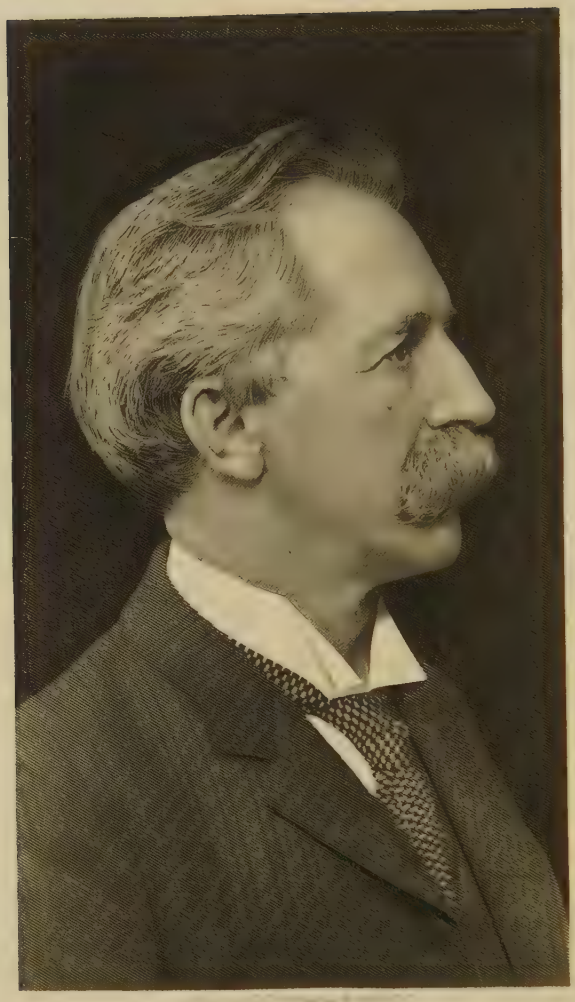
COLLINS, JOHN S., Omaha, Neb., son of Eli A. and Nancy Ann (Purkiser) Collins, was born in Clement county, O., in 1839. Eli A. Collins was of Dutch descent, his ancestors emigrating to America about 1726. They afterward moved to Maryland, thence to Ohio, and in 1841 Eli A. Collins formed a partnership with Jesse R. Grant, father of U. S. Grant, the future President, to engage in the leather and tanning business at Galena, Ill. E. A. Collins provided the means for the purchase of a uniform, horse, and equipment for U. S. Grant when he enlisted in the Civil war in 1861. Grant was, at the time, practically unknown in Galena, but at odd times prior to the war had made headquarters at the store of Mr. Collins. John S. Collins received a commercial and academic education, and moved to Omaha, Neb., in 1864, formerly having been engaged in the harness and leather goods business with his father in Galena. Upon his arrival he entered business with his brother, Gilbert H. Collins, but soon after, however, he started for the gold mines in the present state of Montana. His experiences in the West were varied and thrilling, even for that early day, and Mr. Collins has told the story in a little book published for private circulation, entitled "Across the Plains in '64," the entire edition of which is said to be exhausted. When he returned to Nebraska, he continued in the harness and saddlery business, and in a few years the Collins stock saddle became the most famous of its kind in the United States, and still continues to hold that place. Mr. Collins was a post trader at Ft. Laramie appointed at the personal request of U. S. Grant, retaining the position during the administration of R. B. Hayes, and for a time under President Garfield. He secured and held this office through his personal relations with the Presidents, although there were several aspirants. In 1882 he was one of the incorporators of the Nebraska National bank, and also the Equitable Trust Co. of Omaha, resigning as vice-president and director of the bank in 1897. After the death of his brother, G. H. Collins, in 1881, Mr. J. S. Collins formed a partnership with John Morrison under the firm name of Collins & Morrison. For a while the Collins Co. had branch houses in all the larger cities in Montana and Wyoming, but for the last few years all the business has been carried on from Omaha. In politics Mr. Collins is an independent democrat, but never aspired to public office. President Grant offered his father, Eli A. Collins, the opportunity of naming the second member of the cabinet, which he declined. Mr. Collins has been a

member of the Omaha club, and is now a member of the Commercial club. He was never married, but has a brother and sister living in Iowa, and a niece, Mrs. H. E. Gates, of Omaha.

COLSON, SIRENO BURNELL, deceased, for almost forty years prominent in the financial and business circles of Fremont, Neb., was born in Madison, N. Y., Feb. 3, 1828, and died at Fremont, Neb., Sept. 28, 1896. He was a scion of an old family, established in America in 1700 by a member of the Swedish colony which settled that year in New Jersey. His grandfather, Abiah Colson, fought in Mellen's Massachusetts regiment (6th) during the Revolutionary war. His father, Thomas Paine Colson, was by trade and occupation a shoemaker, and noted for his integrity and industry. After many years of labor in New York state, in 1859, in order to better his condition, Sireno Burnell Colson, accompanied by his father and mother, removed to Nebraska, settling at Fremont and residing there until his death. His mother in maidenhood was Mary Rice, also a member of one of the old New York state families, and a woman of many noble traits of character. Sireno B. Colson from his childhood was not of robust health, and was small of stature and of slight frame. His early education was acquired in the public schools, and for a time he attended Hamilton college, but notwithstanding his own desire and that of his father to have him gain a college education, neither his health nor his father's financial condition would allow him to finish the college course he commenced. He learned the trade of his father, and before coming west and for about six years afterwards followed shoemaking. He was ever of a studious disposition, active and ambitious. He studied telegraphy and was the first operator in Fremont for the Atlantic & Pacific Telegraph Co. in 1861. In 1866 he was appointed the first local agent and telegraph operator outside of Omaha for the U. P. R. R. He continued in this position until 1871. In 1867 he and his brother-in-law, Theron Nye, organized the firm of Nye, Colson & Co., and commenced the buying and selling of grain and lumber on an extensive scale. In 1871 he was elected treasurer of Dodge county, and reelected in 1873. He was one of the organizers of the First National bank of Fremont, and was its vice-president at the time of his death. He was one of the foremost men in every project advocated for the advancement of the city of Fremont. Almost continuous ill-health did not interfere with his activity. The grain and lumber business which he aided in establishing was the forerunner of the present Nye, Schneider, Fowler Co. and its kindred concerns, which is the largest grain-buying company in the West, and in which he retained an interest until his death. He was recognized as a man of the soundest business judgment and of extraordinary ability as a financier, and one whose integrity was never once questioned during all his long business career. In politics he was republican, and in 1851 he was one of the organizers of that party in his home county in New York state. He never held any other office than that of county treasurer, though he was an earnest party worker. A man of the highest moral quality, philanthropic and practical in all his charitable work, he never affiliated with any church. The only society of which he was a member was the Sons of the American Revolution, and in the records of that society in Omaha can be found a "Résumé of the life and antecedents of S. B. Colson," read before the society at the meeting held Feb. 22, 1897.

Mr. Colson was married on Jan. 21, 1868, to Miss Frances I. Reynolds, and his widow and three children survive. The children are: Paul Colson, who resides in Fremont; Burnell Colson, an attorney of New York city; and May, now the wife of John Laurence Knowles of New York city.

CONKLING, JETUS RIGGS, M.D., was born in Tompkins county, N. Y., Oct. 5, 1835. He went to Illinois in 1844, with his father's family, passing through Chicago, then a comparatively small village, situated on a marshy flat without railroads or any method of traveling except by wagon. His father purchased a farm in McHenry county, where the son remained until the age of nineteen years. In the meantime he was educated at Salem academy, in Wisconsin, near Kenosha, then called Southport. He was employed for a time in teaching a village school to obtain the means to continue a medical education, which he was then trying to acquire by reading in the office of a local physician. He was graduated at Rush Medical college in Feb., 1859. Several of his acquaintances, induced by the glowing accounts of Pikes Peak gold, having made up a party to go there, he decided to go with them. The outfit was composed of four wagons drawn by oxen. The journey across Iowa was rather a tedious one compared with that of to-day, three weeks being consumed in going from Clinton on the Mississippi river to Council Bluffs. The journey, however, was



W. J. Connell

not without its pleasures. The party was made up of good fellows who made light of their adversities and thoroughly enjoyed all that was pleasant. The roads were very muddy, and much time was employed in prying out the stalled wagons. Many times the camp for the night was but a mile or two from the camp of the previous night. When Council Bluffs was reached, the golden halo about Pikes Peak having nearly vanished, the company broke up, some going one way, some another. The doctor, however, remained and crossed the river on the 8th day of June, 1859. After remaining in Omaha a few days, he went to Tekamah, the county seat of Burt county, where he found but a few people, but they were kind, generous, and hospitable. At the fall election of the same year (1859) he was elected county clerk, and served one year, resigning the following year to assume the duties of county treasurer. While county clerk he made out the tax list on a single sheet of foolscap paper. In 1863 he was employed as post surgeon at Ft. Kearney, where occasional raids were made after Indians who were not lost, and whom the raiders were not anxious to find. More time was spent in killing buffaloes, of which there were vast numbers. When Omaha was designated as the starting place of the U. P. R. R., Dr. Conkling settled in that city, and has resided there ever since. He was for many years physician to Mercy hospital, the name of which was changed to St. Joseph's hospital, which it now bears. He was married July 23, 1867, to Miss Jennie Hanscom of Detroit, Mich. Mrs. Conkling died Sept. 18, 1901.

CONNELL, WILLIAM J., lawyer, Omaha, Neb., was born July 6, 1846, in Cowansville, Can., a small village about thirty miles from the north line of the state of Vermont. His father, Rev. David Connell, was a Congregational minister who had founded a little church in the town of Cowansville, and had lived there in humble circumstances until 1856, when he removed to Schroon Lake, a village in the Adirondacks in northern New York, where he continued his ministerial labors. William was the eldest in a family of eight children. He received an academic education, and at the age of seventeen years secured a clerkship in a large grocery house at Springfield, Mass., to which he devoted faithful attention for two years. He was then called to St. Johnsbury, Vt., to close out a mercantile business there, which occupied him for a year. Equipped with this experience in business, he started west, reaching Omaha Apr. 10, 1867, being then not quite twenty-one years old. In Omaha he took a position with the then leading dry goods firm of Tootle & Maul, where he remained until he had an opportunity to study law in the office of B. E. B. Kennedy. He subsequently studied in the offices of C. S. Chase and of J. M. Woolworth. He was admitted to the bar in 1870, and has been actively engaged in practice ever since, and has been very successful. In politics Mr. Connell has always been a republican, and in 1872, two years after admission to the bar, he was elected district attorney for the 3d judicial district of Nebraska, comprising ten of the most populous counties of the state, including Douglas and Lancaster, and in 1874 was reelected. In 1883 he was appointed city attorney for Omaha, and held the office four years. As city attorney, Mr. Connell successfully defended the city against a large number of damage suits arising during this era of public improvements. The knowledge and experience he acquired in this work were of great use in the construction of the city charter under which most of Omaha's improvements were made. Evasions of public duties in the construction of viaducts and of the payment of taxes by railway companies, unauthorized construction of their franchises, and attempted encroachments on municipal rights and interests by corporations were firmly and successfully combatted by him. In the fall of 1888 he was nominated by the republicans of the 1st congressional district of Nebraska for representative in Congress, and was elected by a plurality of 3,400. The district then comprised eleven counties, with a population of 365,000, and over 66,000 voters. J. Sterling Morton of Nebraska City was the democratic candidate. In 1890 Mr. Connell was renominated, but was defeated by W. J. Bryan of Lincoln. In 1892 he was again appointed city attorney, and held the office until 1903, when he formed a partnership with W. C. Ives, and again entered upon private practice. Mr. Connell has accumulated a large property. He has always been recognized as a public-spirited and liberal man, and has advanced steadily in his profession, to become known as one of the most successful members of the Omaha bar. Five years after he first settled in Omaha Mr. Connell returned to his old home in St. Johnsbury, Vt., and was married Sept. 24, 1872, to Mattie Chadwick of that place. They have had four children: Ralph S., Karl, Marion, and Hazel. The family home, known as Hillcrest, is one of the most beautiful and sightly residence properties in Omaha.

CONOYER, CHARLES M., Omaha, Neb., is a native of Alabama, born July 31, 1840, son of Charles John and Christina (Krupp) Conoyer. His grandfather was a captain in the French army and was killed in the battle of Jena while fighting under Napoleon the Great. His maternal grandmother was German. He received his education, including common branches and languages, from private tutors. The first money that he ever earned was as a steamboat hand on the Missouri river boat Gray Cloud. In 1855 and 1856 he made the trip to Ft. Pierre, and helped to remove government supplies from Ft. Lookout to Ft. Randall. He served from Apr. 23, 1861, to September of that year as a private in the 2d Mo. Regt. under General Lyon, when he settled in Omaha, where, in 1864, he was part owner and the editor of the Nebraska *Volksblatt,* the first German paper established west of the Missouri river. He has been closely identified with the business interests of Omaha for many years. He has served in the state legislature and as a member and secretary of the Omaha board of education. He is known as a "gold democrat," and is a member of the Roman Catholic church. He was married in Omaha Dec. 31, 1865, and is the father of four children: Charles M., Jr., Louis Peter, Mollie A., and Lizzie.

COWIN, JOHN CLAY, lawyer, Omaha, Neb., son of Thomas and Margret Cowin, was born in Warrensville, O., Jan. 11, 1846. He received his education in the common schools, supplemented by a course at Hiram Electic institute. In 1861, at the age of fifteen years and eleven months, he enlisted as a private in the 23d O. Vol. Inf. at Cleveland, O., and was engaged in the battles of Second Bull Run, South Mountain, Antietam, and many others of lesser note. He was mustered out of the service in the summer of 1865 with the rank of captain. He was graduated in Apr., 1867, from the law school at Cleveland, O., and the same month removed to Omaha, Neb., where he immediately began the practice of law. About the first fee he ever received was $2 for defending the explorer, Henry M. Stanley, who was charged with whipping one of his fellow city reporters for an alleged libel. Mr. Cowin early acquired a prominent position at the Douglas county bar, and has been identified as counsel with many of the most important cases before the district, state, and federal courts, during the past thirty-five years. Some of the principal ones are here mentioned: U. P. R. R. Co. v. McShane et al., as an attorney for the defendants, county treasurers. This case involved the right of the counties to tax the land grant of the U. P. R. R. Co.; decided in the Supreme Court of the United States, 1874, in favor of the defendants, the court holding the right to tax the land grant. In the circuit court of the United States, as attorney for the defendant, Omaha Cable Co., in the case of the Omaha Street Railway Co. v. The Omaha Cable Co., involving the constitutional right of the cable company to construct street railways in the city of Omaha, as against the exclusive right awarded to the Omaha Street Railway Co. by act of the territorial legislature; case decided in favor of the cable company. As attorney for James E. Boyd in the case of Boyd v. Thayer, involving the citizenship of Boyd, who was elected governor of the state of Nebraska in the year 1888; case first tried in the supreme court of the state and by a divided court; judgment was entered against Boyd; took the case to the Supreme Court of the United States and case decided by a divided court in favor of Boyd, holding him to be a citizen. The contention of Mr. Cowin was that, though Boyd was foreign born and never naturalized, being a bona fide inhabitant of the territory of Nebraska at the time it was received as a state of the Union, upon the territory becoming a state, Boyd became a citizen. Boyd thereupon assumed the office of governor. As special counsel for the United States in the case of the United States v. U. P. R. R. Co., a foreclosure of the government lien, through which proceeding about $68,000,000 was paid into the treasury of the United States, being full payment of the subsidy bonds and interest. As attorney for the United States in foreclosure proceedings against the Kan. Pac. R. R. wherein Mr. Cowin recovered $6,000,000 on foreclosure, and from unpledged securities over $1,000,000 for the government. As attorney for the United States in the case of the United States v. The Kan. Pac. R. R. et al., in the United States circuit court for the district of Massachusetts, being a suit where plaintiff claimed a certain trust fund in which Mr. Cowin recovered over $600,000 for the government. In politics Mr. Cowin has always been a republican. His first political public position was that of district attorney, to which he was elected in Oct., 1868, and reelected two years later. During this time he was appointed judge advocate on the staff of Governor Furnas with the rank of brigadier-general. He was a candidate for United States senator and defeated by only a few

votes. Since then he has devoted himself exclusively to the practice of his profession and has kept entirely out of politics, except to go as a delegate to the Republican national convention at St. Louis in 1896, which he attended at the special request of McKinley, with whom he served in the army. Mr. Cowin was married in Cleveland, O., in 1871, to Ella L. Benton, and three children have been born to them, two of whom are living: William B., now first lieutenant of cavalry in the regular army, and Edna M., married to Mr. John P. Cudahy and residing in Kansas City. Mr. Cowin is a member of the G. A. R., and of the Loyal Legion. He is also a Knight Templar and a Shriner, a member of the Elks, of the Omaha club, the Country club of Omaha, and other similar organizations.

CRAWFORD, JAMES CHAMBERLAIN, deceased, son of Seth and Mary (Mutchler) Crawford, was born Oct. 23, 1836, in Northampton county, Pa. His father

JAMES CHAMBERLAIN CRAWFORD

was a weaver and later a farmer, who, with four of his sons, served in the Civil war. Before his death he moved to Nebraska where he prospered as a farmer. Mary (Mutchler) Crawford was of German descent, some of her ancestors serving in the Revolutionary war. James C. Crawford attended school only a short time, and obtained his education and his knowledge of law by his own efforts. In 1857 he emigrated to Nebraska and in 1858 settled on the present site of West Point, Cuming county, and engaged in farming and brick making. He continued the study of law, and later formed a partnership with M. McLaughlin, later county attorney. He was prominently connected with the James E. Boyd case, and the case was won upon the theory, which he advanced, that the enabling act made citizens of the then residents of the territory. He enlisted, Oct. 22, 1862, in the 2d Neb. Cav., and was mustered out May 1, 1863, with the rank of sergeant. Mr. Crawford was always a democrat and was the first postmaster at West Point, the first county treasurer, and the second county clerk of Cuming county. He served in the house of the eleventh, twelfth, and thirteenth sessions of the state legislature from 1874 to 1876, and in the senate during the ninth, tenth, and fourteenth sessions. He was district judge from 1885 to 1889, and later was special dispensing agent to the Indians. He was the author of the first law for the protection of birds, and the present law exempting homesteads, and also the law providing for district court stenographers. He was a member of the G. A. R., the Knights of Pythias, the I. O. O. F., and was a Knight Templar.

Mr. Crawford was married May 11, 1864, to Miss Kate Moore of West Point, whose parents were the first white residents of Cuming county, having settled there in 1856. They traced their ancestry to the Moores and Beaches who came to the United States in 1643. Four children of Mr. and Mrs. Crawford are still living: Carlotta, West Point, Neb.; May, now in Paris studying music; Lillian, West Point, Neb.; and James C., Jr., an entomologist, now in Texas making a scientific study of the cotton-boll weevil.

CREIGHTON, EDWARD, deceased, capitalist, philanthropist, and builder of the Pacific telegraph line, was born near the present town of Barnesville, in Belmont county, O., Aug. 31, 1820, and died at Omaha, Nov. 5, 1874. He was a son of James and Bridget (Hughes) Creighton, the former a native of County Monaghan, Ire., and the latter a native of County Armagh, Ire. James Creighton emigrated to America in 1805. He was married in 1811 to Bridget Hughes in Philadelphia, resided one year in Pittsburg, and then removed to Belmont county, O., in 1813, and engaged in farming. In 1830 he removed

to Licking county in the same state, and died there Mar. 5, 1842. He was buried in Somerset, Perry county, O., as was also his wife who died in Nov., 1854, at Springfield, O.

Edward Creighton acquired his early education in the primitive schools of the period, and spent his youth in manual labor on his father's farm, and as a cart-boy on the pike roads. In the latter occupation he had as companion Phil Sheridan, who afterward won distinction in the Civil war. At the age of twenty-one years Edward was presented by his father with a team of horses and a wagon, and started life upon his own account. Then began his first experience as a freighter or "wagoner," as those were called who engaged in carrying goods from one place to another. He continued this business, alternating it with farm work, until about 1847, when he first engaged in the construction of telegraph lines. From that time until 1855 he continued in this line of work in one capacity or another. In 1856 he visited Omaha for the first time, his brothers, John A., James, and Joseph, and his cousin, James, having preceded him. In the fall of the same year he went to Dayton, O., where on Oct. 7 he was married to Miss Mary Lucretia, daughter of David A. and Mary Emile Wareham. In the following spring at Pittsburg, Pa., he loaded a steamer with lumber which he shipped to Omaha and placed on the market.

In 1858–59 Mr. Creighton had a nominal connection with the Missouri and Western Telegraph Co., of which Charles M. Stebbins was president, and assisted in building a telegraph line from Jefferson, Mo., to Ft. Smith, Ark., and a line from St. Joseph, Mo., to Omaha. The latter was completed Oct. 5, 1860, and gave Omaha the first telegraphic connection with the East via St. Louis. This line was continued on to Julesburg the following spring. For some years Mr. Creighton had entertained the project of building a telegraph line to the Pacific Coast. In the winter of 1859–60 he had a conference with Jephtha H. Wade, of Cleveland, O., a large stockholder in the Western Union, and was advised by Mr. Wade to see General Carpenter, president of the California State Telegraph Co., which had a line between San Francisco and Sacramento. As a result of these negotiations Mr. Creighton was commissioned to make a preliminary survey for a telegraph route between the Missouri river and the Pacific Coast. He left Omaha on this mission Nov. 18, 1860, by stage coach for Salt Lake City, where he enlisted the support of Brigham Young. Mr. Wade had in the meantime gone to San Francisco by steamer and he sent for Mr. Creighton to join him at Sacramento to assist in making arrangements with the California parties. Mr. Creighton pressed on from Salt Lake to Sacramento on horseback, and after twelve days arrived at Carson City, Nev. After a short delay here, occasioned by the hardships he had endured, he was able to proceed to his destination. This journey of 600 miles in midwinter over the valley of the Humboldt and the Sierra Nevada mountains, unattended, was one of constant danger and hardship. All along his route of travel Mr. Creighton made thorough investigation, and was firmly convinced of the practicability of such a line as contemplated. The California parties, however, at first refused to consider any proposition for effecting a consolidation. They claimed the exclusive right in their own state and were resolved to prevent the new line from entering California. An agreement was made, however, that Creighton should build a line from Julesburg to Ft. Laramie, thence through the South Pass to Salt Lake to connect there with a line from the Pacific Coast to be built by the California company. In the spring of 1861 Mr. Creighton returned to Omaha to inaugurate the work that was to be the crowning effort of his life. Congress recognized the importance of the undertaking by voting a subsidy of $400,000, and the work was commenced July 4, 1861. Mr. Creighton was general superintendent, assisted by his brother John A. and his cousin, James Creighton, and the work was pushed rapidly forward. A Mr. Street was superintendent of construction for the line from California, and a lively contest was immediately on to see which should reach Salt Lake first. It was agreed that the victorious line should take the earnings of the other line until it had made the junction. Mr. Creighton reached Salt Lake first with his line, arriving Oct. 17, 1861, and the California line was completed one week later. The first message over the new line was a word of greeting from Mr. Creighton to his wife in Omaha. It is worthy of note that the U. P. R. R., which was built soon after, followed in great part the route selected by Mr. Creighton for his telegraph line. The new company operating between Brownville and Salt Lake was known as the Pacific Telegraph Co., and Mr. Creighton was made its first general superintendent, a position which he retained until his resignation in Feb., 1867. In this new company Mr. Creighton became a large stockholder, and

the subsequent advance in the value of this stock formed the foundation of the large estate left by him at his death. From the proceeds of his telegraph investments Mr. Creighton invested heavily in the freighting business from Omaha to Denver and Salt Lake, afterward extending his operations to Montana. In 1863 he fitted out several large wagon trains with merchandise for the Montana gold fields. The first train was composed of thirty teams in charge of James Creighton, who in thirty days' sales made $33,000. The next year he took a train of forty mule teams to Montana, where John A. Creighton had remained as salesman, and $52,000 is said to have been realized from this trip. In 1864 Mr. Creighton ventured into the cattle business in Nebraska, which proved unprofitable on account of the depredations of the Indians. He then became a pioneer cattleman on the Laramie plains, and from his large herd supplied the U. P. construction crews with beef while that road was being built. He built a telegraph line from Salt Lake into Montana in 1866, and about the same time constructed a line from Julesburg to Denver. During the construction of the U. P. R. R. he took large contracts for grading, and also put up the company's telegraph lines. Mr. Creighton even conceived the idea of telegraphic communication with Europe, by way of Bering Strait, across which he intended to throw a submarine cable. He induced the Western Union Co. to make the coast survey, and the scheme would doubtless have materialized had it not been for the successful laying of the Atlantic cable.

During all these years of great business success Mr. Creighton was loyal to Omaha, and contributed much to the development of the commercial interests of that city. He was the first president of the First National bank of Omaha, which was started in 1863, and retained the office until his death. He was also heavily interested in the O. & N. W. R. R., of which he was president, and was a large holder of Omaha realty. He erected many buildings, among them the three-story brick block at the corner of Douglas and 15th Sts., which bears his name. He made liberal donations during his lifetime to the Catholic church, of which he was a member, and also to the various Catholic charities of Omaha. He had proposed during his lifetime to form a free institution of learning, but died intestate, Nov. 5, 1874, before making provision for the fulfilment of his project. His wife, inheriting both his fortune and his noble purposes, determined to carry out her husband's wish, but did not live to behold its realization. Her death occurred Jan. 21, 1876, and in her last will and testament dated Sept. 23, 1875, she provided for the handsome endowment of Creighton university. Mr. Creighton commanded the confidence of the people by his sterling integrity, unwavering fidelity, and generous, charitable nature.

CREIGHTON, JOHN A., capitalist and philanthropist, Omaha, was born in Licking county, O., in 1831, and is the son of a farmer who came from Ireland to America in 1805, working for a long time in a foundry at Pittsburg, Pa., and then settling upon a farm in Licking county, O. Mr. Creighton's mother was Bridget Hughes, who came to America from Ireland in 1808, and married at Philadelphia in 1811. Until he was eighteen years old he lived with his parents on their farm. He attended St. Joseph's college, at Somerset, O., two years, after which his brother Edward, who was already a man of great means and energy, put him at work in a responsible capacity in the construction of a telegraph line from Toledo to Cleveland. Later he took charge of the fulfilment of his brother's grading contracts in Toledo, where we find him employed in 1855. In the fall of that year he went to Missouri, at the instance of his brother, to clear away the timber from some three miles of the N. Mo. R. R. in the vicinity of Mexico in that state. From there he was sent to Keokuk, Ia., to sell off a lot of horses belonging to Edward Creighton. When he had sold all of them but three he traded one for a carriage and harness, hitched up the other two, and with them drove to Omaha, where he arrived June 10, 1856. The first four years of his residence in Omaha were spent in farming on the Missouri river bottoms and clerking in the store of J. J. and R. A. Brown, and in 1860, as partner of the Browns, Mr. Creighton made two trips to Denver with ox teams, carrying thither for sale cargoes of merchandise. In 1861 he again engaged in the construction of telegraph lines, and assisted his brother Edward in building a line from Julesburg to Salt Lake City. In the following year he took charge of his brother's cattle, the stock used in the telegraph contracts, and located at Ft. Bridger. During that year Mr. Creighton determined to invade the Salmon river with a freighting outfit, and Edward Creighton purchased for him 1,000 sacks of flour; but before he could get started Indian troubles made such a trip extremely perilous. Simultaneously came reports

that the Salmon river mines had given out, and the trip was abandoned. Mr. Creighton sold his flour and other effects to Brigham Young, taking half payment in gold coin and the other half in drafts upon Ben Holladay's stage line. Putting the coin, aggregating about $10,000, in two shot sacks, he took a stage for Omaha with it, and in spite of the perils of travel in that day reached his destination safely with the treasure. In 1863, in company with his cousin, James Creighton, he took a cattle train loaded with supplies to Virginia City, Mont., where he remained for five years engaged in the grocery business. Upon his return to Omaha in 1868 he resumed that business as a member of the firm of Creighton & Morgan, and upon the death of Edward Creighton, then reputed to be the wealthiest man in Omaha, John A. Creighton was chosen to administer the estate. From that day until this, Mr. Creighton has been one of the commercial and financial mainstays of Omaha. In 1878 he was one of the incorporators of the Omaha Nail Works Co., which was organized with a capital of $50,000 and in the following year turned out about 40,000 kegs of nails. This enterprise was subsequently sold and removed to St. Joseph. He was also a heavy stockholder in the Cable Street Railway Co. For many years he has been one of the stockholders and vice-president of the First National bank, of which his brother Edward was the first president. In 1883 he was one of the incorporators of the Union Stock Yards Co. at South Omaha, and later was connected with the organization of the Union Stock Yards bank, the railway company of the same name, and the South Omaha Land syndicate. In 1890 he was one of the incorporators of the Inter-State Bridge and Street Railway Co., with a capital of $2,500,000, which was organized for the construction of a bridge at east Omaha and the connection of Council Bluffs and Omaha by means of street railway and other railways. The plans of this organization were subsequently abandoned, giving way later to the project that has led to the present bridge at that point. Mr. Creighton has long been interested in east Omaha realty and was the owner of Courtland Beach. It has been said of Mr. Creighton that his partialities are always enthusiastic, earnest, and unchangeable. He has always been a zealous member of the Catholic church, and it has been in his munificent gifts for the establishment and maintenance of local Catholic institutions that he has chiefly manifested the spirit of benevolence so generally attributed to him. It was his brother Edward who inspired the foundation of Creighton university, one of his last requests being that his wife should endow a free college in Omaha for the education of youth, regardless of creed or color, and this university, the pride of the Catholics of the city and state, and in fact of promoters of higher education of every denomination, was the result of that request. John A. Creighton subsequently erected a considerable addition to the college building to meet its growth as an institution of learning, and supplied it with one of the most complete astronomical and chemical outfits in this country. It was also John A. Creighton who built, at the corner of 14th and Davenport Sts., the splendid institution known as Creighton Medical college at a cost of $80,000 and equipped it as a department of Creighton university. Upon her death in 1888 Mrs. John A. Creighton bequeathed the sum of $50,000 for the erection of St. Joseph's hospital for the use and occupation of the Sisters of St. Francis. The ground upon which that magnificent structure stands was given by Mr. Creighton, who added what funds were needed to construct a building with a frontage of 200 feet on 10th St. near Castellar, and with two wings running back 150 feet. The whole cost of the institution was about $200,000, which was given by Mr. Creighton and his wife. Mr. Creighton has always been deeply interested in this institution and its work, and for years, with unvarying fidelity, he has spent his Sundays there distributing good cheer among the inmates. Among the other Catholic institutions in Omaha that have been born of Mr. Creighton's great generosity is the convent of Poor Clares, located at 29th and Hamilton Sts., for the erection of which he gave about $35,000. Other valuable gifts of land and funds from this gentleman's large store have enriched the church of his allegiance. It was in recognition of the spirit that prompted these munificent gifts that Pope Leo XIII. some years ago conferred upon him the title of Count, and in 1899 the university of Notre Dame selected him as the recipient of its Lataere medal, two marks of distinction that are prized by zealous Catholics far beyond any civil preferment that could come to man. Mr. Creighton's private charities have always been of the most liberal character, and many a poor man cherishes for him the warmest sentiments of gratitude. In politics Mr. Creighton has always been an ardent democrat. He has never been an aspirant for office, but he has attended five of the national conventions of his party as a delegate from Nebraska. In politics, as in

Lorenzo Crounse

his religious affiliation, he has been unwavering and unchangeable, and in 1896, when, as a rule, democrats of large means and interests were led by natural sympathies to relinquish allegiance to the Democratic party and its ticket, Mr. Creighton was one of the most ardent Bryan men in all the nation and was at all times ready to contribute of his means to further the cause of his fellow Nebraskan. So wrapped was he in Mr. Bryan's cause that he accompanied his candidate to New York when he went thither to open his campaign at Madison Square Garden, and it is recalled by those who sat near him during that meeting that he was the most enthusiastic hearer among many thousands. In 1868, two years after taking up his abode in Omaha, Mr. Creighton married Sarah Emily Wareham, who died in 1888, leaving no children.

CROUNSE, LORENZO, Nebraska pioneer and eighth governor of the state, was born at Sharon, Schoharie county, N. Y., Jan. 27, 1834. His father, John Crounse, was of German descent, his grandfather coming from Wittenberg, Ger., and settling in Guilderland, Albany county, N. Y. His mother, Margaret VanAernam Crounse, was of Dutch descent, her grandfather coming from Arnhem, Holland, and settling in Albany county. The parents of Lorenzo Crounse moved to Sharon, where they died, the father at the age of ninety-two, the mother at the age of eighty-nine. They were Lutherans in their religious belief. The elder Crounse was a tanner, and Lorenzo, the youngest of a family of seven children—four sons and three daughters—worked in the tannery. He was educated in the common schools of that day, and attended two terms at the New York Conference seminary, teaching school in winter to earn money for his expenses during the summer terms at the seminary. The seminary had from 500 to 800 students. He was a member of the Philomathean Literary society, was one of the disputants at its public exercises, and was president and presided at its closing exercises at the end of his second term. At the age of seventeen he became a teacher in the public schools. In 1855 he began the study of law at Ft. Plain, Montgomery county, and in 1857 was admitted to the bar and opened an office in that city. He continued in the practice of his profession until the beginning of the Civil war, when he raised, at Ft. Plain, Bat. K, 1st Regt., N. Y. Lt. Art., and was chosen its captain. He was engaged in several battles of the war and was severely wounded while holding Beverly's ford on the Rappahannock river, Va. After partially recovering from his wound he resigned his command and returned to his home. In 1864 he removed to Nebraska and settled at Rulo, Richardson county.

At the October election of that year he was chosen one of the four members of the territorial legislature from Richardson county, receiving nearly if not quite all the votes in his precinct, and the greatest number given to any candidate on the ticket in the county. His ability as a lawyer was quickly recognized, and when the legislature met in 1866 he was appointed a member of the judiciary committee, and of the committee for the revision of the statutes, known as the Estabrook revision, and was also named as a member of the committee to draft a constitution which was submitted to the voters of the territory by that legislature. He took an active and influential part in placing the constitution before the voters and securing its adoption. At the Republican state convention held in Plattsmouth in 1866 he was unanimously nominated for one of the three justices of the supreme court of the proposed state, and was elected in October. He assumed the office in March, 1867, on the admission of Nebraska into the Union, and for the term of six years was judge of the supreme court and was assigned to the third, or northern district, embracing all of the state north of the Platte river excepting Douglas and Sarpy counties. In the settlement of the law in the beginning of the state many important cases arose, in the decision of which Judge Crounse participated. Notable among such leading cases was that of Brittle v. The People, involving the right of a colored man to sit on a jury. The decision was written by Judge Crounse and is an exhaustive discussion of the law, relating to the admission of new states. Another important case, and one which aroused much interest and feeling at the time, raised the question of the right of one acting governor of the state to revoke or annul the proclamation of another acting governor convening the legislature in extra session. At the expiration of his judicial term he declined a renomination for the judicial office, but at the Republican state convention of 1872 he received the republican nomination for member of the lower house of Congress. The state then had but one representative in Congress, and Judge Crounse was nominated for that office on the third ballot. His chief opponents for the nomination were John Taffe and Gen. Silas A. Strickland. At the ensuing election he received about 17,000 votes out of a total of 27,500. In the 43d Congress

to which he was chosen he was a member of the important committee on territories. Among the measures introduced and championed by him was one providing for the taxation of the immense tracts of land granted to the railroads in aid of their construction. Another, and one of great importance to Nebraska and the West, was one for the reduction or abolition of the toll or rate then being charged on freight and passengers over the U. P. R. R. bridge at Omaha, the rate being $10 per car and fifty cents per passenger. This course made the young congressman popular with the people of his state but incurred the opposition of the railroads. He also had to fight, single-handed and alone, the bill introduced by an Iowa member which had for its object the fixing of the terminus of the U. P. R. R. at Council Bluffs. In 1874 he was unanimously renominated by the republicans on a platform especially commending his railroad land tax bill, and calling upon the Nebraska senators to support it. In the election following he received 22,532 votes against 8,386 received by his leading competitor, and led his ticket by upwards of 1,000 votes.

In 1876, at the instance of friends who proposed to press his election to the United States Senate, he declined a third election to the lower house of Congress. His defeat in the senatorial campaign was due to his active efforts in behalf of the people—a not uncommon occurrence under popular governments. During his last term in Congress he had introduced and actively pressed what was known as the Pro Rata bill, designed to compel the U. P. R. R. to receive and deliver freight at Kearney, the then western terminus of the B. & M. R. R. R., running from Plattsmouth, both roads having been built by government aid, the freight to be transported on a pro rata basis. This alienated the support of Dodge county and other counties traversed by the U. P. road, which formerly had been his stanch supporters, and the B. & M. R. R. R. in its infancy was unable to give him any compensating help.

On the expiration of his congressional term Judge Crounse returned to Nebraska and settled upon his farm at Ft. Calhoun, in Washington county, where he had lived since retiring from the bench in 1867. In 1879 a disagreement arose between Senators Saunders and Paddock concerning the selection of a collector of internal revenue for the Nebraska district, and President Hayes tendered the office to Judge Crounse. He held this office for four years. In 1880 a lively contest arose within the Republican party in Nebraska between the supporters of Blaine and the supporters of Grant. Judge Crounse, who was an ardent Blaine man, was chosen as a delegate-at-large to the convention and was selected for chairman of the Nebraska delegation. From this time until 1891 Judge Crounse lived upon his farm, where he successfully raised fine stock. In the meantime he traveled abroad several times. In 1891, upon the recommendation and request of Senators Paddock and Manderson, but without his own solicitation, Judge Crounse was appointed by President Harrison assistant secretary of the treasury.

In 1892 Nebraska was under the administration of its first democratic governor, and the legislature was controlled by populists and democrats. The republicans cast about for a winning candidate for governor, and they believed that by virtue of Judge Crounse's record as a public officer, his standing as a citizen, and his ability as a campaigner, under his leadership the party could regain control of the state administration. Judge Crounse had expressed a preference for his office in Washington, but he yielded to the wishes of his party and accepted the nomination for governor, which was unanimously given. Against him were pitted two of the strongest men of the state—J. Sterling Morton, the democratic nominee, and Gen. Charles H. Van Wyck, the populist nominee. General Van Wyck, whose popularity in the state was remarkable, challenged Judge Crounse to a series of joint debates. The challenge was accepted and meetings arranged for at numerous important places in the state. At an earlier time General Van Wyck had been a member of Congress from New York, and in that day Congress lavishly endowed railroads with land grants. General Van Wyck's part in this railroad land-grabbing was utterly out of harmony with his professions in 1892. Having the general's record before him Judge Crounse took the offensive, and General Van Wyck's support of the railroad land grant bills was contrasted with his own opposition to the railroad land tax, pro rata freight bills, and similar measures, and the Crounse acts were held up by the side of the Van Wyck promises. As the debate progressed republican success was assured, and Judge Crounse was elected by nearly 10,000 majority over General Van Wyck, notwithstanding the fact that 1892 was the year of overwhelming democratic success elsewhere throughout the country.

Governor Crounse took the oath of office in Jan., 1893, and in the brief inaugural address before the legislature may be found the

J. A. Creighton

keynote of the rigid economy and strict accountability which marked his administration. He asked the legislature to reduce the appropriations $750,000 below those made at the preceding session, and briefly showed why and how this might be done. At no time had the state appropriations exceeded $3,000,000, and a cut of almost 30 per cent seemed to many to be ill-advised. But the legislature, although controlled by the populists, took the governor's advice and began trimming the appropriations. It reduced the legislative appropriation $35,000, and those for the state institutions in various amounts from $10,000 to $50,000, and the total appropriations from the $2,886,575 of the preceding session to $2,208,940. Yet the affairs of the state were conducted with this lesser sum without detriment to the service or without leaving any unusual deficiencies to be provided for. Governor Crounse visited the different state institutions under his charge, the better to observe their management, the efficiency of their officers, and to be advised of their needs, making such suggestions as occurred to him. He insisted upon a system of periodical reports showing the amount of money used and how expended. These showed the per capita expense of cost of lighting, heating, clothing, feeding, etc., so that the cost could be compared with that of like institutions in other states, as well as between the several institutions within the state. To his message delivered at the close of his term was attached a summary of these reports, from which it appears that a marked reduction was effected as compared with past expenditures, ranging in some institutions from 20 to 50 per cent. Not only as an example of economy, but as an instance of strict conformity with the law, Governor Crounse vetoed so much of the appropriations voted during his term as provided for $2,000 house rent for the governor, the state having at that time no executive residence. He insisted that the constitution expressly prohibits an officer from receiving any further or greater compensation or perquisite than that fixed in the instrument itself, and therefore the appropriation for house rent was unlawful. In the appointment of heads of institutions Governor Crounse adopted a new plan. He insisted that the heads of institutions should appoint their own assistants, thus relieving them of the embarrassment of having subordinates not in perfect harmony with themselves. Each institutional head was held directly responsible for the conduct of its affairs and the acts of his appointees. Governor Crounse shocked many bitter partisans and surprised his opponents by retaining several democrats in office because they had proved their efficiency and worth to the state.

During his administration there occurred an incident which showed his contempt for pessimistic views of the republic's future. Prof. George D. Herron, then of Iowa college, at Grinnell, delivered the commencement address of the State University of Nebraska, June 13, 1894. Herron announced his subject as "A New Political Vision," and in the course of his remarks said:

"The people to-day are looking for new political conditions. Civilization is a vast, undisciplined army, yet conscious of universal change. The people are not angry, but only in sorrow and anxiety. The world is full of discontent and moving toward revolution."

Professor Herron then devoted himself to a caustic criticism of Congress. He said the rich were gaining in riches and the poor becoming poorer; that the judiciary was corrupt, the lawmakers the tools of corruptionists, and that the question of government ownership of the railroads had been settled by railroad ownership of the government.

During Professor Herron's speech Governor Crounse as presiding officer of the exercises grew restive, and those who knew him best realized that something was about to take place not upon the program. At the close of the address Governor Crounse arose to present the diplomas to the graduating class. He made felicitous reference to the young men and women who had just completed the university course, and then turned his attention to Professor Herron's address, and closed with the following words:

"Owing to a better digestion, or other reason, I take a more cheerful or optimistic view of things than the gentleman who addressed you at length, and I feel called upon to repudiate what he has said as unwarranted in fact and damaging and discouraging to the youth just entering upon the battle of life. I do not believe that this country is wholly bad, and tottering on the verge of destruction. I do not agree with him that our courts are bad; that they are cesspools of corruption and the founts of anarchy. Neither do I believe that Coxey and his followers are the highest types of American citizenship. I believe our institutions are the grandest and best system of government, the best ever known or devised. Contrary, too, to what has been insinuated, this is a government of majorities and not of minorities. The stream does not rise higher than its source. If Henry George, Johann Most, and Lucy Parsons, and my friend, the

speaker, should by chance be elected to my place, it is your duty to obey them, but there is no danger of such being elected. But if they should, they must be recognized until the people, through the ballot box, turn them out. Not only as citizens but as soldiers your duty is to teach and observe the lessons of obedience."

Before the assembling of the Republican state convention of 1894, Governor Crounse, in a letter which was made public, announced his determination not to be a candidate for reelection. By many it is believed that to his refusal to accept a renomination is due the loss of the state to the Republican party and the change of the political complexion of the state, which resulted in a fusion administration for six years.

On the expiration of his term Governor Crounse was abroad for several months, and then returned to his farm at Ft. Calhoun, where he remained until 1900, when the Republican convention of the 10th senatorial district, comprising Dodge and Washington counties, nominated him for the state senate. He accepted the nomination, and was elected. In the senate he was the foe of extravagance, and his fight against the multiplication of normal schools and useless expenditures of public money made him many new friends. The session of 1901 will long be remembered because of the senatorial fight. On account of the death of Senator Hayward, there were two senators to elect, and the legislature was deadlocked for weeks. At a caucus of the republican members there came a steady drift of sentiment towards Governor Crounse, and at one moment it seemed as if nothing could prevent his nomination by the caucus, and election by the legislature. Then arose the complications that are matters of recent history, and Senators Millard and Dietrich were elected.

Judge Crounse was married in 1860 to Miss Mary E. Griffiths. Mrs. Crounse died at Ft. Calhoun in 1882. To them were born one son and three daughters, William G., Jessie, Gretchen, and Marie, the eldest of the daughters being the wife of Gilbert M. Hitchcock, publisher of the Omaha *World-Herald*.

CUPPY, JOHN A., deceased, was born in Osborn, Montgomery county, O., Mar. 7, 1833, died near Fontenelle, Neb., Apr. 8, 1888. He was a son of John and Lydia Cuppy, well-to-do farmers. In his youth he attended the common schools of his native county during the winter months and worked on his father's farm during the summers. In 1855 he started west, and that year settled in Nebraska, and preempted a claim. He improved his property and acquired other land until he became one of the most extensive landowners in eastern Nebraska. He also devoted himself to raising live stock, which business he carried on successfully. His land embraced a number of valuable sections, mostly in Washington county, and some in Burt, Douglas, and Dodge counties. He took an active part in public affairs, and in his early manhood was a republican. Later he became a greenbacker, and on that ticket was elected to the Nebraska state senate in 1876. His success in life was due to his own efforts and good business judgment. He took delight in assisting the poor. He had large financial interests in Blair and other cities. Mr. Cuppy remained a bachelor until past middle age, then, on Dec. 24, 1871, he married Mary A., daughter of Jabez and Eliza (Brookman) Kimberlin, of Washington county, Neb. They had two children: Laura May, born May 27, 1873, who died in infancy, and Martha Maud, born Sept. 28, 1875, wife of Mr. Henry A. Ruwe of Fremont, Neb.

DAVIDSON, JAMES, for nearly forty years a prominent farmer and stock raiser in Sarpy county, Neb., was born in Ross county, O., Nov. 1, 1819, and died in Springfield, Sarpy county, Neb., Mar. 17, 1895. Both his paternal and maternal ancestors for some generations were residents of America. His father, James Davidson, was born near Philadelphia, himself a soldier of the War of 1812, and his father a soldier who lost his life in the war of the Revolution. The mother of James Davidson was Isabel Adams, born in Philadelphia and a descendant of John Adams of Massachusetts. James Davidson was taken to Madison county, O., by his parents who resided there for many years. He received his early education in the common schools of Madison county, and finished his studies in the college at Granville, O., at the age of twenty-two years. He then turned his attention to teaching, and continued at this for about four years. He then went to Pennsylvania and joined a brother, William Davidson, in the marble business, and later carried on the same line of business for himself at Hollidaysburg, Pa. In 1855 he returned to Ohio and engaged in general mercantile business at Harrisburg, Franklin county. One year later he sold out his store and started for the West. He traveled by rail as far as the railroad was built in Iowa; then by team drove to the Missouri river, and crossed that stream at Omaha, Nov. 1, 1856. He immediately claimed a

quarter-section of land in Sarpy county, near the town site of Plattford. His claim was covered with timber, and he soon traded it for a tract of land some three miles northeast. He commenced farming and was successful from the beginning. He resided at Plattford until 1859, when he removed to his farm where he lived until 1892. Mr. Davidson had gradually increased his land holdings until he had acquired more than 1,000 acres of choice land, nearly all of which he cultivated. He carried on general farming, and gave considerable attention to the raising, feeding, and handling of stock. In 1887 he was one of the organizers of the Sarpy County State bank, which succeeded to the business of the Sarpy County bank. He was elected vice-president of the institution, and in 1888 became its president. In 1892 he removed to Springfield and there resided until his death. Mr. Davidson's success in life was due solely to his ability and willingness to work and to make the most of his opportunities. He was energetic, a man of strong character, and by sheer force of will overcame every obstacle that presented itself. He always took an active interest in public affairs. He was a republican, and one of the strong, conservative members of that party. In 1857 he was elected to the territorial legislature, and again in 1860. In 1874 he was elected to the state legislature and served for two years. He served as a commissioner of Sarpy county for three years by election, and for some time by appointment. Mr. Davidson was married Oct. 18, 1851, to Miss Sarah Jane Murphy, born in Philadelphia, May 22, 1827. She was a daughter of Alexander and Sarah A. (Crawford) Murphy. The only living child of Mr. and Mrs. Davidson is Willard H. Davidson, born in Hollidaysburg, Pa., Mar. 11, 1853, and who is president of the Sarpy County State bank of Springfield, Neb.

DAVIS, GEORGE P., Fremont, Neb., was born in Kinsman, O., in 1844. Although born in Ohio and coming from colonial stock, Geo. P. Davis is preeminently and thoroughly a typical Nebraskan. Left an orphan at the age of seven, and making his home on the dairy farm in Kinsman, O., owned by his grandparents, Mr. Davis here enlisted in Co. B, 125th O. Vol. Inf., at the age of eighteen years, and served until the close of the Civil war, earning the title of sergeant. Upon his discharge, Mr. Davis returned to his former home, resolving to emigrate to the western country, which he did in 1867. He arrived in Fremont in October of the latter year, and entered a homestead twelve miles northwest of the town. By industry and thrift he added more land to his possessions, and became a successful stock raiser and feeder. In 1899 he retired from active life and settled in Fremont. When Abraham Lincoln was elected President the second time, Mr. Davis, though under age, was allowed to cast his first presidential vote for the great emancipator. It was generally maintained at the time that a boy old enough to carry a gun in defense of his country was old enough to vote. The first dollar earned by Mr. Davis was in army service at $13 per month, and during his three years' enlistment he saved enough from his earnings to buy a good team, wagon, breaking plow, etc., which he took with him to Nebraska. Mr. Davis has contributed his full share to the development of the rich agricultural interests of the state, and endured all the hardships of the early pioneer, from the grasshopper plague and the hot winds to the drouth and hard times incident to the settlement of this new country. He has come through it all, undaunted and courageous, a perfect type of what a man can do for his state and what a new country can do for a man who is fearless and energetic. Mr. Davis is a member of McPherson Post, G. A. R., and also a member of the First Congregational church of Fremont, and is active and influential in both organizations. He was a Nebraska delegate to the fourth convention of the World's Sunday School association held in Jerusalem, in Apr., 1904, when a delegation of 800 Americans chartered a ship and visited the places immortalized by the teachings of Christ and his apostles. Mr. Davis was one of 250 of these delegates who took the noted horseback ride of 140 miles over the lines traversed by the Savior and His disciples. In 1871 Mr. Davis was married to Miss Ruth Cheney, a school teacher of Kinsman, O., who lives to enjoy the prosperity of her husband.

DAVIS, JOHN L., a native Nebraskan, was born at Ponca, Dixon county, May 24, 1860. He is a son of Leander and Catherine (Young) Davis, who came from the state of New York and settled in Ponca, Neb. in 1858. His father was an Indian trader and conducted a store and hotel at Ponca. J. L. Davis was educated in the public schools of Dakota City, spending his vacations on a farm. He followed farming in Dixon county near the town of Emerson until 1894, when he engaged in the furniture and undertaking business in Emerson, which he still (1905) conducts. Mr. Davis is a republican in politics. He is a member of the Masonic order, the M. W. A. and the

Royal Highlanders. He was married Dec. 22, 1882, to Julia Demme, daughter of Enos Demme, a pioneer of Dixon county. Mr. and Mrs. Davis have had four children: Mabel E., wife of Emmett B. Guffey; Edward J., deceased; Ida E.; and Harold A.

DAVIS, THOMAS, came from an old English family. He was born in Hawarden, Wales, Feb. 2, 1822, and passed his boyhood there. He was married in 1844 to Elizabeth Benion. The young couple made their home during that year in Liverpool. After a residence there of about four years, they concluded that their chances for success would be better in America. They first settled in Fairfield, Ia., in 1849. "Westward the star of empire takes its way," and westward they traveled across the prairies of Iowa during the summer of 1853, and made their home in the small village of Council Bluffs, then known as Kanesville. In the summer of 1854, when the first white men crossed the Missouri river for the purpose of locating the new town of Omaha on the west bank of the river, Mr. Davis was among them, and soon afterward moved his family to a small frame cottage which he had constructed at the southeast corner of Farnam and 11th Sts., then the western limit of the village of Omaha. He was active in all matters pertaining to the welfare of the pioneer town. He commenced business by purchasing a small sawmill that had been brought to the new town, and manufactured the first cottonwood lumber made in the territory. This class of lumber was about the only building material available at that period, and he had a good demand for all that the mill could produce. He was one of the builders of the first territorial capitol, which was located at the northwest corner of Farnam and 9th Sts. After the removal of the capital from Omaha, this building was used for several years as department offices of the U. P. R. R. Co. Mr. Davis was a member of the house of the 1st territorial assembly which held its first session in Omaha, Jan. 16, 1855. In the memorable contest over the selection of the first capital of Nebraska, on Jan. 25, 1855, he voted for Omaha, and rejoiced over the victory won for his home town. He was one of the first county commissioners of Douglas county, being elected to that office on Oct. 8, 1856. He was one of the first aldermen of Omaha, being elected about Mar. 1, 1857, and was again elected in 1858, and again in 1868. He was one of the first regents of the Omaha high school, being appointed in Apr., 1869. In the winter of 1869–70 he removed to Indianapolis, Ind., to engage in manufacturing, and continued his residence there until 1891, when he again returned to Nebraska and resided in Omaha until the date of his death. He was a firm believer in the future of Nebraska and the city of Omaha, and as an evidence of his faith he invested his means freely in Nebraska's metropolis. A friend, in writing of his life after his death, pays him the following tribute: "The motto of his life seems to have been, 'Whatsoever thy hand findeth to do, do it with diligence,' and as a result everything he engaged in had his best efforts." He was not an office seeker, but one whom office sought. In every position of honor to which his fellow citizens called him, he did his duty fearlessly and honestly, meeting the entire approval of his constituents. He was emphatically a home man, and nothing could take its place. He died Apr. 27, 1895, leaving to his children the legacy of a spotless reputation and to his many friends the pleasant memory of his many virtues. His wife died in Indianapolis, Sept. 15, 1890. He left three sons: Frederick H. Davis, Latham Davis, and Charles E. Davis. His only daughter, Mrs. Herman Kountze, died in Omaha in 1890.

DEMME, ENOS, pioneer, Emerson, Dixon county, Neb., was born in Fellbach, Ger., Feb. 7, 1828. His father, Francis Demme, died in Germany in 1836, at the age of sixty-three years and three months. Enos Demme was educated in the Catholic parochial school of his native town and came to America in 1849. Going first to Philadelphia he worked for five years as a shoemaker, and then went to Illinois, where he farmed for one year. In 1855 he removed to what is now Emerson township, Dixon county, Neb. He settled on a quarter of sec. 28, twp. 28, r. 6, which he later entered as the third homestead in the township. He also preempted a quarter-section in Dakota county. To this then wild and unsettled region Mr. Demme brought his young wife, who for three years was the only white woman in the township. The nearest home to this young couple was six miles distant, and many a weary traveler found entertainment under their hospitable roof. Mr. Demme is a member of the Presbyterian church. He is a republican in politics, as are also his three sons, and cast his first vote for Abraham Lincoln. Mr. Demme was married in 1853 to Mary Ann Honik, at Grand Rapids, Ill. Five children have been born to them: George, born in 1854, lives in Emerson; Julia, born in 1856, now the wife of John L. Davis, a merchant of Emerson; Edward J.; Anna; and Frank E.

DEUEL, HARRY PORTER, Omaha pioneer, for many years identified with the passenger transportation business, and auditor of Douglas county, Neb., 1899–1901, and at present register of deeds, was born in Clarkson, Monroe county, N. Y., Dec. 11, 1836. When he was a year old, his parents, Charles P. and Lucy H. (Porter) Deuel, removed to Farmington, Fulton county, Ill., where his father abandoned his early trade as cooper and engaged in farming. Harry P. Deuel was educated in the public schools and at Lombard university, Galesburg, Ill. After leaving college he remained on his father's farm assisting in the work until Nov., 1859, when he moved to Omaha, and with his uncle, John R. Porter, engaged in the steamboat agency, forwarding and commission business. This line of work was successfully carried on until the railroads superseded the river transportation business. Then Mr. Deuel became the agent of the newly built K. C., St. J. & C. B. R. R., now a part of the Burlington system. Upon the completion of the B. & M. R. R. R. into Omaha, he became the agent of the latter road, and held the position until 1888, when he resigned to become the Omaha city passenger agent of the U. P. R. R. He continued in this position until the latter part of 1896, when he resigned to become superintendent of the new Burlington station in Omaha. In 1899 he resigned this position to accept the office of auditor of Douglas county, which he held until his election as register of deeds in the fall of 1901, an office which he still holds (1905). Mr. Deuel had the distinction up to the time he resigned from the superintendency of the Burlington station of being the oldest railroad man in continuous service in Omaha, and was one of the best known passenger men in the West. In the political field, he has always been a democrat. He is well known in social circles, and has been prominent in Masonic work for more than half a century. In 1869 he was grand master of the Nebraska grand lodge. He has attained to the highest degrees of Masonry—the thirty-third degree Scottish Rite, the Ancient Arabic Order, Nobles of the Mystic Shrine. He is also a member of the Elks and other orders. He was married Jan. 6, 1858, to Miss Freelove Jane, daughter of Harry L. Miller, of Tiskilwa, Ill. Mr. and Mrs. Deuel have had two children born to them: Blanche L., who was a member of the first class to be graduated from the Omaha high school in 1876 and died at the age of nineteen years; and Charles L. Deuel, who married Mary, daughter of George B. Lake, and has two children, Lake and Blanche.

DILLON, GERALD JOSEPH, Jackson, Dakota county, Neb., a son of Richard John and Maria (Dalton) Dillon, was born at Salmonfold, County Mayo, Ire., in 1831. Richard John Dillon was a native of Ireland and took an active part in the Irish rebellion of 1803 and was present in Dublin on the day when Robert Emmett, the Irish patriot, was hung. Richard Dillon came to America with his family in 1848. Two uncles of Mrs. Dillon, Pindergant by name, served in the Revolutionary war, and one of them belonged to the bodyguard of General Washington with the rank of lieutenant. Gerald Joseph Dillon received a common school education in Ireland and came to America with his parents in 1848. They first settled in Mississippi, where after a residence of five years the parents died, leaving nine boys and four girls, of whom Gerald was the sixth, and the only other one now living is Mrs. Catherine McDonald of Jackson, Neb. After the death of his parents, Gerald with one brother went to California where he remained three years. He returned in 1857 and settled on the site of what was St. Johns City and built the first frame house there. In 1861 Mr. Dillon moved the same house to Jackson in the western part of Dakota county, where he has since resided. When he removed to Jackson, Mr. Dillon found only two other settlers there, Martin Barrett and Michael McCormick. Mr. Dillon is a life-long republican and has filled many positions of trust and responsibility. At the first election in St. Johns of which there is any record, and which was held at the house of John J. Trecy, Feb. 15, 1858, Mr. Dillon was elected recorder. He was one of the incorporators of the town of Jackson, Jan. 2, 1865, and was appointed one of the trustees. He was the first postmaster of the town of Jackson and was succeeded by Joseph Brannan who held the office until 1889, when Mr. Dillon was again appointed. Mr. Dillon taught the first school in Jackson in 1860 and a distant relative, Father John Dillon, also one of the first trustees of the town, delivered the first sermon. He was appointed assessor of St. Johns precinct, Feb. 2, 1861, and elected to the same office Nov. 6, 1883. He was elected county assessor Oct. 9, 1866, and elected justice of the peace of St. Johns precinct Oct. 13, 1868. He was one of a board of special county commissioners appointed by the territorial legislature, Nov. 7, 1864, to ascertain the indebtedness of Dakota county, which they found to be $7,205.71. In 1861 Mr. Dillon organized a local military squad of which he was elected captain and for which he procured supplies and armament,

although the company was never regularly commissioned. He is a member of the Knights of Columbus and the oldest member of that society in Dakota county. He is a Catholic in religion, and a philanthropic, public-spirited citizen. He has spent his life as a farmer and teacher, and has accumulated enough of this world's goods to enable him to spend his declining days in peace and comfort.

DODGE, NATHAN PHILLIPS, son of Sylvanus and Julia T. Dodge, was born in Danvers, Mass., Aug. 20, 1837. He attended the public schools of his native town and assisted his father in the post-office and his book store until he was sixteen years of age, when he went to Iowa and joined one of his brother's engineering parties then engaged in a survey for the extension of the C., R. I. & P. R. R. across Iowa. Returning in the fall to assist his father in closing up his business, he accompanied him to Nebraska the following spring, 1855, and spent the summer with his father and brother on the Elkhorn river, twenty-five miles northwest of Omaha, then the farthest west of any white settlement in Nebraska. Here he took up a claim, which he afterwards entered on his twenty-first birthday, and still owns. Driven into Omaha by Indians in the fall, he remained there with his parents until the following February, when he went into his brother's banking and real estate office in Council Bluffs, Ia., the principal business of which was the entry of government lands. In 1860 he bought out this business and has continued the real estate business to the present time. The banking business he conducted as a private bank, until 1870, when he organized the Council Bluffs Savings bank, which is now and has been one of the conservative and prosperous banks in Iowa. Mr. Dodge served as its president for thirty-two years, retiring in 1902. Always a republican in politics, yet his duties and inclination influenced him in refusing to enter the field for public honors; hence he has held no public office, except treasurer of the city and school district and trustee of a state institution, but has been always ready to join with others in public enterprises that promised to advance the interests of his city. As a member of the Congregational church, he has been a liberal contributor to church and benevolent objects. He often represents the church at the national councils, and was a delegate to the international council held in London in 1891, and to the one held in Boston in 1899. He is also a corporate member of the American Board of Commissioners for Foreign Missions. He was married Sept. 22, 1864, to Susanna C. Lockwood. Five children were born to them, four of whom are now living; two sons educated at Harvard college and law school; John Lockwood now in Wyoming; Nathan Phillips, in business in Omaha; two daughters educated at Smith college, Caroline, educated for the law and practising her profession in Council Bluffs, and Ellen, now Mrs. E. H. Scott of Omaha, Neb.

DODGE, SYLVANUS, and his sons, Grenville M. and Nathan P., were among the first to take up claims and improve them in Douglas county, Neb., west of Omaha. Mr. Dodge was born in Rowley, Essex county, Mass., Nov. 25, 1801. His youth was spent on his father's farm and assisting in his saw and grist mill. On Nov. 25, 1827, he married Miss Julia T. Phillips, of the same town. Engaging in the mercantile business and active in politics as a democrat, he was appointed by President Polk in 1845 postmaster of Danvers, Mass., which office he held until his removal to Nebraska in 1855.

His popularity as an official was shown at the time the Democratic party divided on the slavery issue. Mr. Dodge identified himself with the free soil wing, while his party, in the nomination of Franklin Pierce in 1852, was controlled by the pro-slavery element. The result was his removal from office, but nearly every voter in his town, regardless of party affiliation, demanded his reinstatement, which was done within six months. It is said of him, when engaged in the milling business in his earlier years, desiring to attend the reception given by the citizens of Salem to General Lafayette, he closed his mill and wrote on the door, "No grinding here today, except for General Lafayette, who ground his enemies toll free." While residing in Danvers, he was chief marshal of the day when the patriot Louis Kossuth was received by the citizens of that town in 1840.

Mr. Dodge's first visit to Nebraska was in Mar., 1854, before it was organized as a territory or open for settlement. His attention was drawn to it by letters from his son, Grenville, who was a civil engineer engaged in preliminary surveys across Iowa for an extension of the C., R. I. & P. R. R. He remained only two weeks, returning to Massachusetts with the purpose of closing out his business there and removing to Nebraska to make his home. In about one year from the time of his first visit he was again in Nebraska, accompanied by his son Nathan. The older son, Grenville, having preceded them the fall be-

fore, secured claims and erected a cabin on the east bank of the Elkhorn river, about twenty-five miles northwest of Omaha, and was there with his young wife to welcome his father and brother on their arrival, Apr. 6, 1855. The only other family in that settlement at that time was S. N. Fifield and wife. In recognition of these two women, the first to make homes in that settlement, the claim club staked out a claim for each of them just east of Elk City post-office. They accepted this action as but a compliment, and did not try to hold them. The cabin which was the home of the Dodges that summer was one story, 12 x 14 feet; one room with loft above, reached by a ladder. Other cabins were being erected near the timber along the Elkhorn river. When completed, they were mostly occupied by men who kept "bach," and ten or twelve miles north a colony from Quincy, Ill., had formed a settlement which they called "Fontenelle." These were the only two settlements that summer west of those bordering the Missouri river, north of the Platte.

The Pawnee Indian village was on the west side of the Platte river. The Omaha Indian village was near Bellevue, and the Poncas, a branch of the Sioux tribe, were on the Niobrara river, 100 miles north. These different tribes roamed through the Elkhorn settlement, which had been their former hunting ground, stealing the settlers' stock, entering their cabins, threatening their occupants, and creating a reign of terror which drove out all who had come into the settlement by the end of July, except the families of Dodge and Fifield. The former had made extensive improvements for those days—a fine garden of two acres and a field of growing corn—and were loath to leave. The latter ran the ferry by which the emigrants to Utah and California crossed the Elkhorn river. Not until the attack by the Indians of a family living on Bell creek south of the Fontenelle colony, in which two men were killed and a woman wounded, the latter part of July, did the Dodges and Fifields decide to leave their claims and return to Omaha. One of the sons in recalling this incident says, "We packed our household goods and farm implements during the night, and on the morning of July 31, with two teams, cow, and pony, we started for Omaha. The sun was rising as we ascended the hill back of our cabin, and I shall never forget the feeling of disappointment that came over me as I turned in my saddle on the crest of the hill and looked down upon our fields of growing crops, which, with our improvements, represented months of hard labor and the greater part of our earthly possessions."

On their arrival in Omaha, Mr. Sylvanus Dodge with the younger son moved into a cabin which stood in a grove of timber on the present site of Herman Kountze's residence, A. D. Jones being their nearest neighbor. These Indian troubles caused great excitement in Omaha. Public meetings were held, and in response to the appeal of citizens, Governor Izard directed General Thayer to send militia to the Fontenelle and Elkhorn settlements. Those sent to Elkhorn occupied the Dodge and Fifield cabins several months, and enabled Mr. Dodge to harvest his crops and haul them to Omaha.

The elder son, Grenville, went to Council Bluffs, opened a land and banking office, and was joined by his brother Nathan the following February (1856), who has resided there and continued in that business ever since. Sylvanus Dodge was joined at Omaha by his wife and only daughter, now Mrs. J. B. Beard of Ft. Worth, Tex., in Dec., 1855, they having remained until that time in their New England home. Mrs. Dodge, then fifty-four years old, was a frail woman, but had great powers of endurance. Their trip by wagon and stage across Iowa in December, exposed to snow storms and extremely cold weather, was a hard one, and the transition from her comfortable home in the East to a log cabin in Nebraska was a great change.

Early in the spring of 1856 Mr. Dodge moved his family to his Elkhorn farm. The Indians were still troublesome and continued their depredations on a lesser scale. One had to use the wife's broom-stick, the husband's gun, or whatever was at hand to drive them out of the cabin when they became saucy and threatening. With the incoming settlers came a new trouble, the "claim-jumper," and they gave them more trouble than the Indians. In protecting his sons' claims, Mr. Dodge was subject to much tribulation and anxiety, which was shared by his wife. The sons' absence was necessary for financial aid in making additional improvements in carrying on the farm.

The Dodge home being in sight of the ferry crossing, they were constantly appealed to for entertainment, and although one or another was often sick, they could not refuse the belated and weary traveler who asked for a meal and a place to sleep on the floor. There and then the frail New England woman and her daughter experienced the real frontier life. Often they cooked two or three suppers. When all was done and guests abed, Mrs. Dodge would find a corner where, with pen and ink, she would write letters to her sons or friends in the East. Many of these letters have

been preserved and we are permitted to take some extracts from them. Mr. and Mrs. Dodge were courageous and tireless workers and determined to protect the claims upon which they and their sons had expended so much money. In Nov., 1856, Mrs. Dodge writes, "If our lives are spared, we will stick by until these claims are entered."

The winter of 1856–57 was a winter ever to be remembered by the frontier settlers in Nebraska. It began Dec. 2 with a snow storm lasting two days, followed by another on the 13th of December, another early in January, and still another early in February, when there were from three to four feet of snow on the ground. Often the snow sifted through their cabin, with its board addition, covering their beds and floors. In one letter Mrs. Dodge writes of their taking ten bushels of snow out of their bedroom. In another, Feb. 28, 1857, the snow had melted so they could see the roof of their stable, which had been buried in snow during the winter. Mar. 8 she says, "This is the third Sunday I have been without letters or papers. You little think how it cheers me up to get letters and papers from the East." Sometimes when streams were high and roads bad the stage crossing Iowa would not bring paper mail for weeks.

With the opening of spring came more cheer to that isolated home. Mr. Dodge was justice of the peace. Lawyers from Omaha came out to try cases before him. Others, including some friends from the East, came to look over the country, which was noted for the beauty of its landscape and the view up and down the Elkhorn and Platte valleys. Thus they met many people of education and refinement.

In May, 1857, Mrs. Dodge writes, "A carriage drove up to our door about 3 P.M. I had not sat down during the day, but had my house in order and was about to lie down to rest. The driver came to the door and asked for dinner for four persons. I said I could not get it, for I was very tired and our house had been full for two days and I did not keep a public house. He said, 'I have a gentleman and lady and two others from New York and they were advised in Omaha to come here and dine. At any rate we must stop and feed our horses.' So I invited them in and saw they were people of intelligence and refinement. The lady said, 'I am disappointed, because we have a long drive ahead of us.' I said, 'I will get you something,' and I went to work and got them a dinner. When about to depart I heard the lady say to her husband in a low tone, 'The best meal and the neatest house I have seen in the West.' I have since learned he was a foreign minister under President Pierce."

Rev. Reuben Gaylord, a Congregational minister residing in Omaha, was a welcome caller at their home on his way to and from Fontenelle.

Mrs. Dodge was taken seriously ill in the fall of 1857 from overwork, and on Nov. 2 she was taken to Council Bluffs, where a home had been provided for her. There she continued to live, interested in charitable work and especially in the work of furnishing hospital supplies to the soldiers during the Civil war. She was president of the soldiers' aid society in that city. She was a member of the Congregational church. Her busy life closed on Dec. 11, 1888, at the age of eighty-six years.

Mr. Dodge was obliged to remain on the Elkhorn farms, as they had not yet been secured by entry. In the fall of 1857 he was elected one of the county commissioners of Douglas county, receiving the largest vote (975), except one, on the state and county ticket. He had served previously in 1855 on the first grand jury of Douglas county; also on the U. S. jury.

When gold was discovered in Colorado in 1859, he established a ranch and store at Cottonwood, 100 miles west of Ft. Kearney, where he remained one year. Returning to Nebraska, he spent the following years partly on his farm and partly with his family in Council Bluffs, until Apr. 21, 1869, when he was appointed by President Grant register of the U. S. land office at Council Bluffs, which position he held until his death, which occurred at his home Dec. 23, 1871, at the age of seventy years.

DORRINGTON, DAVID, the first permanent white settler of Falls City, Neb., was born in Hertfordshire, Eng., Jan. 11, 1812. He was educated there and became a carpenter and joiner by trade. Later he settled at Hatfield, the country seat of the ancient family of the Cecils, of which the late prime minister of the British empire was the head, and for some years was foreman of the mechanical force, engaged in remodeling and decorating the hall and mansion of that historic race. In the year of 1842 he came to the United States with his family and located at Whitesboro, Oneida county, N. Y., where he engaged in contracting and building. In 1857 he moved to the territory of Kansas, settling in Doniphan county, but only remained there till the fall of that year, when, Sept. 7, he removed to

Falls City, Neb., which had just been surveyed and located as a town on the public lands of the government. He was the first householder to locate in the new town, where he engaged in various kinds of business. He became a contractor and builder, a farmer, and followed other pursuits incident to a new community and a frontier life. He was the third mayor of Falls City, and held several other offices of honor and trust, and at all times enjoyed the confidence and respect of his fellow citizens. No man did more to build up the present town of Falls City than he; in fact it is largely the work of his individual hand and brain and energy. For seventeen years the town was engaged in a constant fight for the county seat, in which Esquire Dorrington was always in the lead. The strife ended in a triumph for Falls City, and it has been the county seat for forty-five years. Mr. Dorrington was an intense antislavery man and of course became a republican on the organization of that party in 1854. When he came to this country in 1842, the slavery question was rife in all sections and continued to grow in intensity till the storm of rebellion broke upon the country in 1861. He knew little of the practical operations of the slavery institution till he came to the western frontier of Missouri in 1857, and saw some of the border-ruffian methods to make Kansas a slave state. That made him more than ever a "free-soiler" and an enemy to that barbarous institution that made chattels of men. "Jim" Lane was one of the founders of Falls City, which circumstance, along with the fact that all of its early settlers were abolitionists, gave the town the name of "Free State," in contradistinction to all the others whose citizens had mostly come from Missouri and were proslavery to the core. Mr. Dorrington was an active partisan and contributed more than any other one man to make Richardson county republican in 1859. When Samuel G. Daily was elected the first republican delegate to Congress from the territory of Nebraska, and in the memorable campaign of 1860 when Mr. Lincoln was elected President, Mr. Dorrington was more than active in the interests of his party, and brought down upon himself the vengeful ire of the whole Democratic party throughout the territory. He was not a candidate for office, but he believed in the righteousness of the republican cause, and neither threats of promised violence, attempted intimidation, or scurrilous slander could swerve him from his purpose for a single moment. As might have been expected, a line of the so-called underground railroad lay through Falls City with one of its stations in the near vicinity, but he had nothing to do with its operations, though it is equally certain he never did anything to embarrass those who had. He had taken an oath when he became a citizen of the United States to support the constitution and to bear true faith and allegiance to the same, its laws, and institutions, and he was too true a man to be guilty by one act of a violation of a law, even so monstrously bad as he held the fugitive slave law to be. Not so his good wife who had taken no such oath. In her estimation that law was essentially wicked and binding on the conscience of no man, and certainly on that of no woman, and many were the dusky faces of fleeing men and women from the thrall of slavery that were hid and fed by her in the barn of her husband and without his knowledge, till they could set out on their way to freedom with safety. It is not impious to indulge the hope that the recorder of the acts of mortals in this life has written against this fault, if fault it was, the excuse that giving a cup of cold water to the famishing in the name of the Master always furnishes. Esquire Dorrington was a distinctive and positive character, the kind that subdues the wilderness, builds churches, schoolhouses, and lays the foundation for prosperous communities and great states. Mr. Dorrington was married in Middlesex county, Eng., Sept. 15, 1839, to Miss Ann B. Wood, a native of Essex county, Eng. They had six children born to them: Frederick M., died at Alliance, Neb., Jan. 28, 1903; George E., Falls City, Neb.; John W., Yuma, Ariz.; Ann M., wife of Judge Isham Reavis, Falls City, Neb.; William E., Falls City; Kitty L., wife of Edwin S. Towle, Falls City. Mrs. Dorrington died June 26, 1879, and Mr. Dorrington died June 28, 1885. Both rest in the beautiful cemetery on the high land west of the city. He had been an Odd Fellow since 1844, and was one of the charter members of Falls City Lodge No. 13, organized under a dispensation issued Sept. 28, 1869. He was a good husband, father, neighbor, and citizen, and the community and state are the better for his having lived.

DORRINGTON, ANN B., nee Wood, familiarly known as "Mother Dorrington," whose sweet face and kind acts are enthroned in the memory of many of the old settlers of Richardson county, was in many ways unlike the typical pioneer woman. The quality of her intellect, her tastes, and ideas were more in harmony with an advanced civilization. The history of the settlement of Richardson county will never be written so as to convey a correct

idea of its achievement. The settlers were too busy making history to give time or attention to recording it, and as one by one the actors have passed away, the memory of the deeds handed down from generation to generation is yearly growing less distinct. There were heroines as well as heroes in those trying days, and among the most remarkable was Ann B. Dorrington. Though the cabins were few and far between, no distance was too great and no night too dark for her to go, alone, across the prairie to administer to the sick and dying, carrying her own stock of medicine and an old fashioned walking-stick for her protection. The Dorrington stable standing somewhat apart from her home was one of the stations of the underground railroad in the '60s. Many a hounded slave has received food, shelter, and raiment from her generous hand, and been hurried on his journey for freedom. On one occasion, while living on a homestead, Mother Dorrington was sitting alone in her cabin door just at sunset, when a dusty, travelworn man appeared before her, pleading for protection from a pursuing mob. He assured her he was innocent, but certain death awaited him if the mob found him. She gave him shelter and promised all the protection a frail woman could afford. In a short time the infuriated men arrived, and on being asked if a man had passed that way, she replied "No." The men, not being satisfied, dismounted to search the premises. "The first man that attempts to cross my threshold, I will scald," she cried as she stood in the doorway with a kettle of boiling water in her hand, and thus armed, she put to flight the men thirsty for the blood of a fellow man. Nor was this the only service she rendered in the days when this state was new. At one time a threat to burn the village was made by a rival town, and the women and children were sent away for protection, but Mrs. Dorrington refused to go, saying where her husband and sons were she would stay. The task she assumed was no easy one, but with her brave heart and cheerful face to encourage them the villagers braved the attack and saved their homes. In every station of life she played her part well, and as one considers her remarkable career he feels as her great host of friends thought when they followed her to her last resting place—"a great soul has passed away, and here will sleep one of our most illustrious and best beloved pioneer mothers, who, by their strength, virtue, and grace, implanted in the wilderness of the West a glorious heritage which our country will continue to reap until the end of time."

DOVEY, EDWARD GEORGE, Nebraska pioneer and for many years prominent in affairs of Cass county, was born in Tunstall, Eng., Dec. 12, 1818; died in London, Eng., July 25, 1881. He was a son of William and Ellen (Rogers) Dovey. His early education was received in the schools of his native town, and in his youth he was apprenticed to the potter's trade, in which his father was for many years an office man. After working for some years at his trade and saving up a small sum from his earnings, he emigrated to America in 1844, landing in New York city in May of that year. Three years were spent in New York and in Jersey City in the pottery business. In 1847 Mr. Dovey went to Wellsville, O., where he went into pottery manufacturing for himself and there remained for two years. Then after a year passed in Cincinnati, he went to Nashville, Tenn., and from 1850 until the fall of 1861 was in the commission business, a line in which he was highly successful, but was compelled to give up and return to the North on account of his extremely pronounced Union principles. He returned to Cincinnati, and remained there until the fall of 1862, when he settled in Plattsmouth, Neb., then a city of considerable promise. There he purchased the business of Davis & Argyle, general merchants, and with a partner conducted the business under the name of Amison & Dovey until 1868, when Mr. Dovey acquired full control and ownership. The business was operated under his own name until 1876, when the name of E. G. Dovey & Son was adopted, under which title it has since been conducted. Mr. Dovey was one of the organizers of the First National bank of Plattsmouth, in 1872, and in 1874 was elected vice-president of the institution, a position which he held during the remaining years of his life. He was the owner of more than 1,000 acres of farm land in Cass county at the time of his death. He was one of the men whose success in life was mainly due to his own faithful and unrelenting efforts. He was enterprising, public-spirited, possessed of most excellent business tact, with an extraordinary ability for the accumulation of property, combined with which was generosity and benevolence that made him the friend of the man struggling for a start in life. He was one of the hopeful, optimistic men capable of discovering a grain of humor even in the most serious affairs. He was a pleasing conversationalist and a ready, humorous, and original speaker. He was a radical republican, and one of the most forceful and earnest workers for his party in Cass county. He never would

allow his name to go before a convention for a political office, though often solicited and urged to do so by his friends. Even for the office of senator he would not allow his name to be used, and seemed totally indifferent to political preferment, doing his part as a citizen and a republican with hope of no other reward than the sense of doing right. His sincerity in all matters, his high moral views upon affairs of the community, and his boldness in his advocacy of every principle he believed was right caused him to be a power for good in his home city. His excellent business qualifications and his general habits of life seem to have been inherited by his three sons, who have succeeded to his business. Mr. Dovey was a member of the Odd Fellows lodge at Plattsmouth, and filled the office of treasurer for several terms. On Nov. 8, 1845, Mr. Dovey was married to Miss Jane Ann Johnson, daughter of John and Jane (Wilson) Johnson of Newcastle-on-Tyne, Eng. To Mr. and Mrs. Dovey five children were born, three sons and two daughters, the daughters both dying in infancy. The sons are: George Edward Dovey, who for over a quarter of a century has been the manager of the mercantile business established by his father, Oliver Cromwell Dovey, also interested in the mercantile business with his brother; and Horatio Nelson Dovey, who is the cashier of the First National bank of Plattsmouth.

DUNBAR, JOHN, deceased, pioneer of Nebraska, was born in county Londonderry, Ire., Oct. 28, 1820, of Scotch-Irish parentage. He was of noble birth, being related to General Dunbar, of Castle Dunbar, Scotland, King William's famous general during the battle of the Boyne. He was the son of Thomas Dunbar, a native of county Antrim, Ire., who died Sept. 5, 1859, in Dunbar, Neb., and Jane Hunter Dunbar, who died Dec. 19, 1865. The latter was a native of county Londonderry, Ire., where she was born Aug. 2, 1792. John Dunbar's early education was superintended by Irish teachers. Later he attended school in Ogdensburg, N. Y., to which place his parents emigrated when he was nine years old. Later they settled near Stratford, Can., and engaged in farming, where he grew to manhood. In 1856, with his parents he emigrated to Nebraska by way of St. Louis, Mo., passing up the Missouri river to Ft. Kearney (Nebraska City). In the fall of that year he located a claim about ten miles west of the site of Nebraska City, and in the spring of 1857 erected a small house of cottonwood logs which he secured from a sawmill on the Missouri river. The usual hardships of frontier life were encountered. Indians were somewhat troublesome and stole the first pair of horses he possessed in Nebraska. These he traced to the city of Beatrice, but was unable to recover them. However, he was not discouraged, but with a determined hand set to work to make a home for himself and family in the new territory. He organized the first school in his neighborhood, built a schoolhouse, and enrolled enough pupils within a radius of twenty-one miles to enable him to engage a teacher. For many years thereafter he was a member of the school board; was also a justice of the peace, taking an active part in politics, and was always ready to act for the best interests of the community, regardless of his own. In 1869–70 the Mid. Pac. R. R. was built. He made the first shipment on this road, consisting of four cars of wheat, the grain being sacked and loaded on flat cars. The superintendent of the road named the village of Dunbar in his honor. With this convenient method of putting his produce on the market, he continued to raise grain and stock on a large scale until advancing years compelled him to retire from active work. In 1851 he was married to Ann E. Watson, a native of Tyrone, Ire., who had removed with her parents to Canada in 1840. Mrs. Dunbar died May 10, 1903. Twelve children were born to them: Thomas H., John A., Mrs. M. D. Smith, Anna E. Roos, Wm. F., Cyrus M., and Ira A., all of Dunbar, Neb.; Mrs. Sconna D. Reed, Comstock, Neb.; Edward W., Atwood, Col.; Mrs. Emily Nelson, College View, Neb.; Mrs. E. Dora Wilson, Shenandoah, Ia.; and Sarah J. Dunbar, who died Sept. 5, 1869. Mr. Dunbar died Aug. 5, 1903, having been for almost fifty years a resident of Nebraska. He was raised an Episcopalian, but in 1852 embraced the doctrine held by the Seventh Day Adventists and remained steadfast to this faith until his death

DUNDAS, JOHN HENRY, editor of the *Granger,* Auburn, Neb., was born near Aurora, Ill., Oct. 14, 1845. He is a son of James Dundas, a native of Ireland, who was a son of a loyalist who fought in the Irish rebellion. In 1822 he quit his position as steward to Lord Aley, came to America, and settled in Canada. During the Papinau and McKenzie rebellion in Canada in 1832 he was a commissioned officer in the English army. This commission and a certificate of membership in the Orangemen, the latter dated 1817, are two prized relics retained by his family. He married Mary

Alice Mathews, native of New York and a member of a well-to-do English family. In her early life she was a school teacher in eastern Canada. James Dundas, after living some years in Canada, removed with his family to Illinois, where he became a prosperous farmer. He was the inventor and the patentee of the first corn cultivator for cultivating both sides of a row at one time. John Henry Dundas attended the common schools of Kane county, Ill., and afterward the Nebraska State Normal school at Peru, which he was obliged to leave before graduation on account of the illness of his father. In 1867 he completed a business course in a commercial school. While a pupil in the public schools, he noticed that it was the inclination of the teachers to encourage the children who made the most rapid advancement, and to neglect the backward ones. This induced him to become a school teacher and undertake in his work to reverse the method of the older teachers in this particular. Mr. Dundas removed to Nebraska in 1863, from Kane county, Ill., and took up his residence on the land in Nemaha county where his father located a land warrant in 1857. After leaving the State Normal school he taught school, worked as a stonemason, was for several years a clerk in a country store, and assistant postmaster at Sheridan, Neb. Inclined toward newspaper work, in 1884 he bought a two-thirds interest in the Nebraska *Republican* of Auburn, and a year later acquired the remaining interest. In 1886 in company with L. D. Wheeldon, he bought the *Granger,* and, adopting the name of the latter, consolidated the two papers, taking for a motto "Our country is our party," which is still the motto of the *Granger.* His first editorial, which outlined the policy of the paper, was simply "Whatsoever course we believe to be right, that course we shall pursue." Mr. Dundas is an original thinker and something of a philosopher. He is not a church member, but believes that "Man's duty to his fellow being is his only duty to his God; and that whatsoever more is taught is born of priestcraft, nurtured in superstition, and surrounded with pernicious results." In politics he is thoroughly independent. He has served three terms as precinct assessor, one term as justice of the peace and police judge, in 1893 was engrossing clerk of the state senate, and in 1897 state senator from the 2d district, composed of Nemaha and Johnson counties. He was nominated for that office by democrats and populists. Mr. Dundas has written much toward advancing his liberal religious views. In 1899 Mr. Dundas established, and for five years successfully conducted the Auburn chautauqua, and for two years conducted a chautauqua at Tecumseh. In this enterprise he worked single-handed, being responsible financially and otherwise for the whole matter. He is the author of "Every Man's Account Book." which he has copyrighted, and which has met with an extensive sale, and he has invented and patented a practical farm gate. He was married in 1871 to Miss Wealthy J. Bishop, of Ashtabula, O., who was his classmate at the normal school, and they have four children: Hollis Montana, aged 26; Lucius Bertell, aged 24; Ada Vee, aged 20; and Wendell Audubon, aged 16. The eldest son and daughter are his assistants in the *Granger* office. Mr. Dundas is devoted to his home and family, and is not a member of any society or social organization.

DUNHAM, WILLIAM WILSON, was born Sept. 23, 1826, near Nelsonville, Athens county, O., and is the oldest of a family of eight children. His father, David Dunham, and mother, whose maiden name was Lucina Chamberlain, were natives of Ohio. His earlier ancestors lived in New York and originally emigrated from Scotland in about 1700. William was baptized in the Methodist Episcopal church at Fayetteville, O., and was educated in the common schools of that place. His entire youth, which was uneventful, was spent on his father's farm, and at the age of eighteen years he began teaching school and continued in that vocation for several years. He was married Apr. 13, 1851, to Mary Elizabeth Hilton, who was a sister of the late Judge George H. Hilton of Cincinnati, O. In 1853 he emigrated to Iowa and located in Oskaloosa, and later moved to Madison county near the town of Winterset. In the spring of 1858 he removed to Nebraska, where he secured a claim near what is now the village of Roca, Lancaster county, where he has since resided with the exception of a year's residence in Iowa in 1867. On Oct. 22, 1890, came the sad loss to Mr. Dunham of his beloved wife. Six children were born to them five of whom are still living: Mrs. Mary E. Hodgkins, Mrs. Alice Finch, deceased, George W., Anna L., Frank H., and David Frederick. George W. enjoys the distinction of being the first white boy born in Salt creek valley. Mr. Dunham is of a type of men who by their sterling virtues, sublime personality, and nobility of purpose have laid deep the foundations of statehood and bequeathed to their posterity the legacy of an heroic example. His quiet and unassuming nature and love of simplicity,

W. W. Dunham

retirement, and of home life have prevented him from seeking wealth or political honors. He has ever faithfully and conscientiously discharged every public and private trust. Generous to a fault, a sympathizer with the wronged and oppressed, and beloved by all who know him for the purity of his life and his devotion to duty, he has added to the sum of human happiness, and the world is better for his having lived.

DUNN, MICHAEL, deceased, was born in County Tipperary, Ire., in 1824 or 1826, and died in Sarpy county, Neb., Nov. 14, 1900.

MICHAEL DUNN

During his boyhood, educational facilities were almost beyond the reach of the vast majority of the Roman Catholic population of Ireland, to which he belonged. He had no opportunity to attend school after he was thirteen years of age and very little prior thereto. He witnessed the terrible scenes of the famine of 1848, which almost depopulated many parts of Ireland. But little is known of Mr. Dunn's ancestors. His father died before he left Ireland, and but one member of his family besides himself came to America, and he had but little, if any, correspondence with those who remained in Ireland. Mr. Dunn had a vivid recollection of having seen and heard the great Irish orator, Daniel O'Connell in 1832. He came to America about 1852 with his youngest brother, Thomas. He was in the South during the cholera epidemic in the early '50s and went to Omaha by steamboat from St. Joseph, Mo., in 1856. He had previously been employed as a day laborer on the construction work of the C., R. I. & P. R. R. in Illinois. After removing to Omaha he engaged in various occupations and was employed at different times by many of the pioneers of that city. He was married in Omaha to Mary McBride Apr. 26, 1860. His wife was born in County Antrim, Ire., and settled in Omaha in the early '60s. He assisted John I. Painter in making the government survey of Sarpy county in 1856, and July 8, 1857, made preemption entry on the quarter-section of land in that county, where he lived during the remainder of his life, a period of forty years. (E.½ N.E.¼ sec. 22, and W.½ N.W.¼ sec. 23, twp. 13, r. 12, patent issued by government May 1, 1860.)

There existed at Bellevue, Neb., at the time referred to, what was known as a "claim club." The ostensible purpose of that organization was to secure and protect its members in the possession of their lands which they had taken as homestead or preemption claims under the laws of the United States. The real object being, however, to deprive of their lands those who refused to contribute to the "claim club" and who had taken lands which the club considered valuable or which some of its members desired for themselves. To carry out its purpose, the claim club did not hesitate to resort to intimidation, threats, and even acts of violence. Mr. Dunn was never a member of the claim club. He was ordered to appear before it. When he did so, the club decided that he must pay $300 or give up his land. He refused to do either. The club induced a party to jump his claim, but the individual was warned to vacate, and did so upon learning that his occupancy would have to be maintained by force. For a long time he was threatened with violence and was subjected to many annoyances by the club, and at one time certain of its members removed his tent and personal belongings from his land, but he immediately repossessed himself of his property notwithstanding the protests and threats of those who had taken it. During his residence of forty years on the farm which he secured from the government, he never gave a mortgage on the land or any part of it or on any personal property, never sued any one during his life, and was sued but once. He never became wealthy, but owned some property at the time of his death besides the farm on

which he lived. His family consisted of his wife and eleven children, of whom Thomas F., Patrick J., Samuel J., John C., Mary J. Ignatius J., Cletus E., and Ita M. Dunn survive him. Mr. Dunn was a member of the Roman Catholic church. In politics he was a democrat up to the time of the Blaine-Cleveland campaign, when he joined the Republican party with which he thereafter affiliated. He spent practically all of his spare time in reading, covering a wide range of subjects. He possessed a remarkable memory and a faculty for analyzing and digesting whatever he read, and naturally acquired a fund of information which enabled him to keep abreast of public affairs. He was never a candidate for and never held public office. He died Nov. 14, 1900. His widow, one son, and two daughters reside on the old homestead in Sarpy county.

EATON, JAMES WILLIAM, deceased, pioneer lawyer of Otoe county, was born in St. Charles county, Mo., Sept. 6, 1839, and died at Syracuse, Neb., Aug. 20, 1905. He was a son of Dr. William P. and Julia A. (Roy) Eaton. He was educated in St. Charles (Mo.) college, and took the law course in Harvard university, from which he was graduated in 1861. For four years he practiced his profession in the courts of Missouri, and in 1865 settled in Nebraska City. He bought a stock farm in Otoe county, and engaged in the breeding of thoroughbred horses and shorthorn cattle. He followed this business successfully until 1889, when he was elected judge of the county court of Otoe county. He served in this office for eight consecutive years, and then resumed the practice of law in Nebraska City. Judge Eaton was a democrat from the time of casting his first vote. In 1871 he was a member of the Nebraska state constitutional convention. He was a Mason of the Scottish Rite and advanced to the thirty-third degree. He was married Mar. 19, 1863, to Mary E., the daughter of Oliver Stonebraker of St. Charles, Mo., and ten children were born to them.

ENGLES, ALBERT M., Auburn, Neb., was born Dec. 6, 1866, upon a farm near Auburn. He is a son of Peter and Mary A. (Meath) Engles, the former a German by birth, and the latter a native of Ireland. His parents came from Europe to America, and settled in Illinois in 1848. They removed to a homestead near the present site of Auburn, Nemaha county, in 1859, where they continued to reside during their lifetime. Peter Engles died in 1881 and his wife in 1897. Albert M. Engles is the youngest of three children. His youth was spent upon the farm, and his early education acquired in the country schools. Later he attended St. Benedict's college in Atchison, Kan., taking a three-years commercial course. He was graduated June 25, 1885, having won a gold medal for good conduct. After leaving school he engaged in farming and stock raising, his father having accumulated much land during his lifetime. He now owns 740 acres of fine land in Nemaha county. In 1896 he removed to Auburn, and was elected county treasurer, serving until 1900. In the latter year he engaged in the lumber business, which he has since continued, operating one of the largest yards in Auburn. Mr. Engles helped to organize the Nemaha County bank in 1901, and has since been its president. He was married July 22, 1893, at Denver, Col., to Miss Frances B. Fulham, of Irish descent. Mr. Engles is a populist in politics, and is a member of the Catholic church.

ESTABROOK, EXPERIENCE, settled in Nebraska in Apr., 1855, in pursuance of his appointment by President Pierce as United States attorney for the territory, and for forty years, lacking about a month, was one of the leading lawyers of the city of Omaha, as well as one of the most potential citizens of the commonwealth he helped to build. He was born at Lebanon, N. H., Apr. 30, 1813, son of Seth Estabrook, who married Hannah Hebard of Lebanon, N. H., daughter of Hannah Alden, a direct descendant of John Alden. He was the eldest of five children, three sons and two daughters. The line of descent has been preserved as follows: John Alden (1599–1687), John Alden (1622–1702), Joseph Alden (1667–1747), Daniel Alden (1691–1767), Daniel Alden (1720–90), Hannah Alden, who married Moses Hebard or Hibbard.

Experience Estabrook received an academic education at Carlyle (Pa.) university, studied law at Buffalo, N. Y., and was graduated from the law school of Marshall college in 1839. The following year he began the practice of his profession at Geneva Lake, Wis., where his talent soon obtained recognition. He served as district attorney and school commissioner, and subsequently was elected to membership in the constitutional convention of 1847–48, in which body he was chairman of the committee on education and school funds and was prominent in the debates relating to the suffrage article of the constitution, favoring the endowment of the negro

with the rights of citizenship. In 1851 he was a member of the house of representatives of Wisconsin, and in the following year he served as attorney general of the state. To him and his associates history has recorded the indebtedness of Wisconsin for the excellent educational system of that state. The records of that constitutional convention show that his voice was heard to effect upon all the important questions under discussion and consideration, in terse, logical, and pointed speeches that carried weight in the final formulation of the basic law of the state; and his position on the question of conferring the suffrage without regard to color mark him as "one of the pioneer leaders in breaking from the shackles of mere prejudice and rising to the real dignity and equality of republican government," as one historian has aptly expressed it. By those familiar with the pioneer history of Wisconsin Mr. Estabrook's views and acts have been commended as conservative, his reasoning solid and cogent, his abilities and legal acquirements of a high order, and his purpose toward the erection of a state worthy of its people, noble and patriotic. While living at Lake Geneva Mr. Estabrook put the first sailboat upon that now fashionable and much frequented body of water. It was the schooner-rigged yacht Aerial of five tons burden.

In the third year of his residence at Lake Geneva, 1843, he married Caroline Augusta Maxwell, whose father, James P. Maxwell, as trustee for the inhabitants of the place, preempted the town site of Geneva under the federal town site laws. Of this union two children were born: Caroline Augusta Estabrook, late wife of Robert C. Clowry, president of the Western Union Telegraph Co., and Henry Dodge Estabrook, namesake of Governor Dodge of Wisconsin and later United States senator from that state, an intimate friend of the elder Estabrook.

Upon removing to Nebraska in 1854 Mr. Estabrook at once attained prominence in the affairs of the territory by reason of his pronounced abilities as lawyer and publicist, and the prestige of his pioneer activities brought him an increasing harvest of honor and respect throughout his long citizenship in Nebraska. It was during his term of service as United States attorney for the territory, which continued from 1854 to 1859, that he drafted the bill for the Pacific R. R. charter, which was enacted by the territorial legislature in 1855. He was a delegate to Congress from Nebraska in 1859–60, and a member of the constitutional conventions of 1871 and 1875, in which he played an important part, the efficacy of his services being enhanced by his former similar participation in the drafting of the Wisconsin constitution.

Throughout his career in the state of his final domicile he was recognized as one of the most able, aggressive, and successful lawyers. He was a man of splendid physique, being more than six feet tall, and his Puritan ancestry and heritage were reflected in his features, his views, and his quaint vocabulary, as well as in the scrupulous honesty of his dealings and his mental processes. He was a man of advanced views, strong convictions of right and wrong and was courageous and aggressive in the maintenance of those convictions. He was wholly devoid of finesse and had no conception of expediency, the lack of which equipments made him strong as a lawyer but impossible as a politician. The same humane sentiment that had led him to advocate negro suffrage in Wisconsin brought him into prominence as an equally ardent champion of female suffrage, and prompted him, with all the vehemence of his strong emotional spirit, to champion the cause of prohibition of the liquor traffic, regardless of several assaults upon his person and numerous threats from anonymous sources against his life. The assassination of the late Watson B. Smith in the heat of a liquor fight was followed by perhaps the most marked manifestation of the utter fearlessness of Experience Estabrook in the advocacy of his conceptions of what was right. The liquor dealers of Omaha having issued a manifesto deploring the crime, Mr. Estabrook hired a hall and held a mass meeting, opening his speech before it by asking why the Young Men's Christian Association had not issued a similar manifesto, and by declaring that any traffic whose sponsors deemed it necessary to enter a disclaimer of such a crime was an unholy traffic that should not be tolerated in a civilized community.

Strong as were his convictions on all questions affecting public morals and human rights, they were no stronger than those he entertained and fearlessly advocated with reference to religion, and he lived and died an avowed spiritualist.

Probably nothing better illustrates the stubborn persistence of this brilliant man in the defense of what he deemed to be right than the fight he waged for forty years against the payment of taxes on valuable real estate he owned in Omaha, on the ground that no official plat of that city had ever been prepared and recorded, and that there was therefore no

such thing in legal contemplation as a lot or block to answer the description attached by the assessor to his property. The reports of the supreme court of Nebraska will attest with what persistence and cogency of logic he forced his point upon the attention of the courts, compelling finally from the supreme tribunal an admission that the law was undoubtedly as he contended, but that it was inexpedient to pronounce it.

When this decision was rendered General Estabrook was in court. Staggering to his feet, with limbs trembling not more from the palsy of age than from suppressed excitement, he cried out in a voice tuned to his emotions:

"Sirs, I am an old man, and have lived too long, for I have lived to see the supreme court of my state deliberately declare to a citizen that the law he invokes to protect him and his property exists and is clearly with him, but that it is expedient to rob him of its benefits. May I venture to suggest, sirs, that the great state of Nebraska could better afford to lose what little I may owe it than to sustain the injury this court has done its most cherished institutions?"

This pointed arraignment of the court brought no reprimand for the overwrought old gentleman, lawyer, and litigant who had uttered it, but the incident was permitted to pass in silence.

General Estabrook died at his home in Omaha, Neb., Mar. 26, 1894.

Mrs. Caroline A. Estabrook died at Elberon, N. J., Nov. 20, 1903, and was buried beside her husband in Forest Lawn cemetery, Omaha.

ESTABROOK, HENRY DODGE, was born at Alden, N. Y., Oct. 23, 1854, son of Experience Estabrook (1813–94) and Caroline A. Estabrook (1822–1903), daughter of James P. and Dollie Stevens Maxwell. His earliest American ancestor was John Alden, who married Priscilla Mullen. For the line of descent from this historic Puritan ancestry see biography of Experience Estabrook.

Six months prior to the birth of Henry D. Estabrook in New York, his father, Experience Estabrook, had been appointed United States attorney for the territory of Nebraska and had taken up his residence in Omaha. It was in the latter city, therefore, that young Estabrook spent his childhood and acquired his early education through the public schools of that place. Later he attended Washington university at St. Louis, from the law school of which he was graduated in 1875, having met the expense of his course through a choir engagement in Dr. Goodale's church.

Mr. Estabrook's first efforts at self-support were devoted to the carrying of newspapers for the Omaha *Tribune* in 1868. Later he became a newspaper reporter, in which capacity he served an apprenticeship best calculated to equip him for the profession of the law in which he later sought and achieved unusual success.

It was while he was practicing law at Omaha that Mr. Estabrook, associated with Gen. John C. Cowin of Omaha and A. H. Garland, ex-attorney general of the United States, conducted the case of ex-Governor James E. Boyd in the historic Boyd-Thayer contest of 1891, involving the governorship of the state, which excited national interest and in which a precedent was established in the interpretation of the law governing citizenship. In the argument before the federal Supreme Court it was Mr. Estabrook who presented the points upon which that court reversed the contrary decision of the Nebraska supreme court and restored the gubernatorial office to Mr. Boyd. The opposing counsel in that case comprised, among others, Hon. John L. Webster, Judge O. P. Mason, and Judge Dillon.

While in Omaha Mr. Estabrook became local counsel for the Western Union Telegraph Co., and in 1896 he was given a similar position with that company at Chicago, necessitating his removal to the latter city. Six years later he was made general counsel for the company and removed to New York, where he became a member of the firm of Lowden, Estabrook & Davis. His legal attainments are well known among the higher ranks of the profession, and he is recognized as an attorney of great resource, cogent logic, and rare oratorical powers.

While a resident of Chicago he conducted the case of Henry Clews & Co., bankers, against Jamieson & Co., brokers, relating to the failure of the latter to take up 700 shares of a certain stock according to agreement made through the Chicago stock exchange. This was the first instance wherein the machinery and operations of a stock exchange clearing house came up for investigation, and arose from the closure of the Chicago exchange during a temporary panic. In the United States circuit court it was held that there was no privity of contract, and in the United States circuit court of appeals it was held that every transaction through the exchange clearing house was gambling *per se*. Mr. Estabrook secured a writ of certiorari, and after a hearing before the full bench of the supreme court it was held that there

existed privity of contract and that transactions of the exchange clearing house were not gambling, which holding permitted recovery by Mr. Estabrook's clients.

Another important case, involving new questions of great public importance, which was conducted and won in the federal courts by Mr. Estabrook, was the suit of the Western Union Telegraph Co. against the National Telegraph News Co., involving property rights in telegraphic news. He was also chosen by W. J. Bryan, on personal grounds, although not a member of the latter's party, to conduct the prosecution against the piracy of Mr. Bryan's book, "The First Battle," and his success in that suit ensured to Mr. Bryan the royalities that helped form the basis of his fortune.

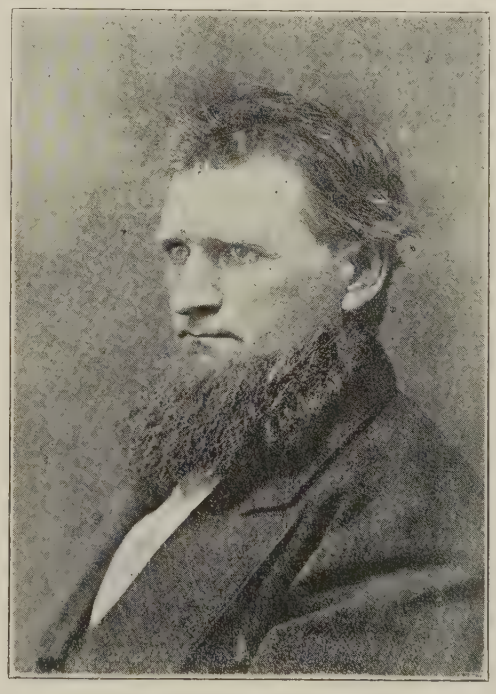
It was not until he had attained the age of almost forty years that Mr. Estabrook and his friends discovered his latent power as an orator, through which he has attained national celebrity. His first oratorical effort, which came in the nature of a surprise, occurred at a banquet of the Marquette club of Chicago commemorating the birth of Lincoln, Feb. 12, 1892. He was assigned to take the place of the late Senator John J. Ingalls, who was unavoidably absent. His oration at once gave him national prominence, and he has frequently since been called upon to speak at notable gatherings and on notable occasions, always so acquitting himself as to win him new admirers and wider celebrity as an orator. Among his notable addresses are the ones delivered before the New York Republican club on Lincoln's memorial day in 1904; at the unveiling of the Franklin monument, presented by Joseph Medill, in Lincoln park, Chicago, June 6, 1896; before the Middlesex club, Boston, Apr. 26, 1902, on "Grant"; at the unveiling of Nast's painting, "Appomattox," presented by Herman Kohlsaat to the city of Galena in 1895; at the opening of the republican campaign in Chicago, Oct. 3, 1896, and at the semi-centennial celebration of the Kansas-Nebraska act, at Omaha, June 10, 1904. It was not unusual for writers for the press, in criticisms of his oratorical gifts, to declare him the equal of Wendell Phillips and Robert G. Ingersoll.

Although he has always been affiliated with the Republican party, Mr. Estabrook has never aspired to political honors or prestige, although as an orator he has ever held himself in readiness to serve his party through a patriotic sense of duty, and he has exercised considerable influence in republican affairs. While a resident of Nebraska he was elected to membership in the board of regents of the state university, in which capacity he served for three years, from 1894 to 1897.

He is a member of the New York State and American Bar associations, the Union League, Saddle and Cycle, Marquette, Law, Twentieth Century, and the Forty clubs, all of Chicago, and of the Lawyers, Players, Lotos, Metropolitan, Magnetic, and Republican clubs of New York.

Mr. Estabrook was married Oct. 23, 1879, to Miss Clara M. Campbell of Omaha, daughter of Oliver C. Campbell. Their daughter, Blanche Deuel, married Karl G. Roebling of Trenton, N. Y., member of the John A. Roebling's Sons Co., builders of the Brooklyn bridge. Mr. Estabrook has made his home in New York since 1902.

FAIRFIELD, GEORGE WASHINGTON, deceased, civil engineer and surveyor, was born in Buffalo, N. Y., May 1, 1825, and died in Lincoln, Neb., Sept. 20, 1904. He was



GEORGE W. FAIRFIELD

a son of John D. and Charlotte (Knapp) Fairfield, the former of Holland descent, a carpenter by trade and a colonel in the War of 1812. George W. Fairfield migrated with his parents to Ft. Wayne, Ind., where he acquired his early education in the public schools. He subsequently entered a Presbyterian college

at Ft. Wayne, and was graduated as a civil engineer in June, 1848. After his graduation he was employed for one year as deputy county surveyor of Allen county, Ind., under John M. Wilt. In 1850 he was appointed

SARAH J. M'MAKEN FAIRFIELD

county surveyor and held the office two years. He was subsequently employed as civil engineer and surveyor for one year with the T., Ft. W. & W. Ry. Co., and two years as division engineer for the C., Ft. W. Ry. Co. He arrived at Plattsmouth, Neb., Sept. 29, 1856, and for five months was engaged in making preliminary surveys for the C., B. & Q. R. R. Co., in Iowa and Nebraska. He then entered a claim of 120 acres of land adjoining the city of Plattsmouth, where he resided until his removal to Plattsmouth in 1859. He made the first survey for the B. & M. R. R. R. from Plattsmouth to Kearney, Neb., in 1867–68. He then engaged with the United States survey in Nebraska, and for fifteen years carried on surveying operations in every county of Nebraska west of the 100th meridian. He laid out the towns of Fairfield, Geneva, and Arapahoe, in 1870–72, the former being named in his honor. In 1885 he removed his residence to Sidney, Cheyenne county, and was the engineer in the land locating office at that point. He built the first irrigation ditch in Scotts Bluff county (Minatare) in 1887. He also built the flume north of Alliance. He was at different times surveyor of Cass, Scotts Bluff, and Box Butte counties, serving Cass county in this capacity from 1864 to 1871, and 1879 to 1885. He served as city engineer of Plattsmouth from 1859 to 1885. He was deputy clerk of the district court for six months in 1865, and in the fall of that year was appointed deputy county sheriff under A. B. Taylor, sheriff of Cass county, filling the office for one term. He was coroner of Cass county from 1866 to 1868, and at various times served as councilman and assessor of Plattsmouth. In 1867 he was appointed United States gager of the first district of Nebraska, resigning one year later. In the spring of 1881 he was appointed deputy United States surveyor, which position he held until 1885. On account of poor health Mr. Fairfield did not enter the army. He was an earnest and active member of the Republican party. He was also a member of the I. O. O. F. Mr. Fairfield was married at Ft. Wayne, Ind., Sept. 29, 1854, to Sarah J. McMaken, daughter of Joseph H. McMaken, who was for thirty years presiding judge of the 3d judicial district of Indiana. Four children were born to them: Joseph H., ranchman, Minatare, Neb.; Annie B. Garrison, deceased; Andrew M., North Platte, Neb.; and Susie A. Taber, Lincoln, Neb. Mr. Fairfield died Sept. 20, 1904, and was buried at Plattsmouth in the cemetery which he had laid out in 1862. Mrs. Fairfield survives her husband and resides in Lincoln.

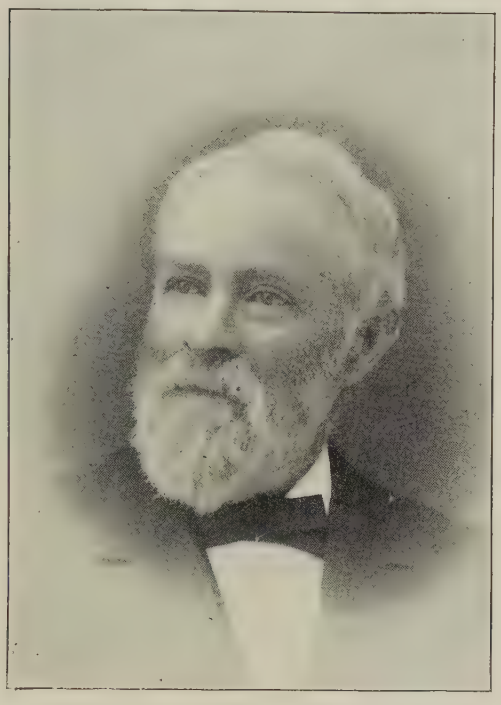
FERRY, JAMES, Omaha, Neb., was born in King's county, Ire., Jan. 30, 1820, the day after the ascension of George IV. to the English throne. During his early manhood, Ferry moved to the county of Donegal in his native land, where he married Miss Margaret Donnelly, whose brother, William Donnelly, an old and respected citizen, lives at Waterloo, Neb. Mr. Ferry had learned the stonemason's trade, and finding no encouragement in his native land, owing to oppressive alien laws and the indescribable ravages of famine (1846–47–48), he emigrated, early in 1849, to the United States, bringing with him his wife and three small children, the youngest of whom, Annie E., then nine months old, became subsequently the wife of John Rush. Mr. Ferry, young, ambitious, an expert craftsman, and a man of great strength and endurance, settled near Philadelphia, Pa., where he did considerable work at his trade for an extensive contractor, named George Clarke, a fellow countryman of his. But Ferry's restless disposition and love of adventure

MARY RUSH SHANAHAN ANNIE E. FERRY RUSH

JAMES FERRY JOHN B. SHANAHAN

induced him to look toward the new and untried West, and early in the summer of 1854, he arrived in Omaha with his wife and five children—Mary, Edward, Annie E., William, and Catherine. Omaha was rather an uninviting place for a family of small children. There were no houses, no human habitations, save some Indian tents. Nor was there any material from which to build one. Ferry's first thought, therefore, was directed to providing a place of temporary shelter. This he succeeded in doing by utilizing the long rank grass which grew on the plateau west of the Missouri river. He built a hay hut on the site over which now runs the 10th St. viaduct about where the Union depot stands, and in close proximity to where the tribe of Pawnee Indians was camped preparatory to their going upon the reservation, which had not yet been selected for them by the government. During the summer of 1854 the Ferry family was housed in this primitive shelter, and it was here that the first white child was born in Omaha, namely, Margaret Ferry. Parenthetically, it may be stated that a long standing dispute exists as to whether James Ferry's or Jesse Reeves's child was born first, there being the difference of one or two days between them. But the writer can set this question at rest, for, assuming that the Reeves baby was born first, which is vigorously denied by the other side, it could only belong to Douglas county, because the birth took place outside the then city boundary of Omaha. Before the rigorous winter had set in, Ferry had constructed a comfortable dugout in which he and his family lived until the fall of 1855, when he built a solid and, for the times, quite a pretentious dwelling, consisting of two stories and a basement. It was erected on the south side of Jackson St., between 12th and 13th Sts., just east of where the school district has its present supply house. The Ferry domicile was built of brick on a stone foundation. The stone was taken from John Green's "stone quarry reserve," and the brick was part of the same kiln which was used in the construction of the old capitol that stood on the corner of 9th and Farnam Sts. This brick was manufactured in St. Joe and transferred in boats up the Missouri river. Next year, and the year following, found the young and robust village full of life and energy. Everyone was busy, securing a claim or building a house, and Ferry had more than he could do as a mason. His services were sought for everywhere, for he and John Green were the only tradesmen in their line west of the river. In the year 1855 the new territorial capitol was commenced. Ferry and Jenkins, the latter an Englishman, had the contract for the stone work. After the building of the capitol, and succeeding the disastrous year, 1857, Ferry moved to his farm of 320 acres situated half a mile southwest of the present site of Elkhorn. There he lived until 1863, but during the interval, although the generous soil yielded abundant crops, there was no market for them. On one occasion, having hauled a load of splendid potatoes to Omaha, he failed to get an offer of a better price than ten cents per bushel, and the impetuous Ferry dumped the mealy tubers into the Missouri river. This rather discouraging circumstance was one of the causes which led him to try his luck in the mining regions of the West. So, in the spring of 1863, he moved with his family, now consisting of eight children (there were nine, but the oldest son, Edward, had enlisted in the Union army), to Boise City, Idaho. Before leaving Nebraska he made every effort to sell his farm and offered the half section for $200. There was no one to buy it. To-day it is worth $30,000. In 1865 the U. P. R. R. had made a good start. Nebraska was assuming her former vigor, confidence was restored, and the great road—the most potent factor of all the great industries that have helped to create the magnificent commonwealth of Nebraska—induced many of those who had gone elsewhere to return again. Thus, Ferry "crossed the plains" once more, and arrived in Douglas county after two years' sojourn in Idaho. Again in 1875 he "crossed the plains" to Oregon with his wife and four children, the others having started out to fight the battle of life for themselves. This time, however, he availed himself of the great trans-continental railroad, thus avoiding all the dangers and inconveniences of his former trips. Mr. and Mrs. Ferry settled in Astoria, where they resided until the death of the latter, in the spring of 1889. Since that time Mr. Ferry has made his home in Omaha with his son-in-law. Although James Ferry is in his eighty-fifth year, he is hale and hearty. It is true his mental faculties have become impaired, but physically he looks as if he would attain his hundredth year at least. It may be said in conclusion that Mr. Ferry is a fair type of those who laid the foundation of Omaha. He was impulsive, fearless, untiring in his energy, faithful to his friends, honest and truthful to those with whom he had dealings, and manly enough to show his contempt for trickery, falsehood, and deception. The accompanying engraving represents four generations of the Ferry family.

FIELD, ALLEN WESCOTT, lawyer, Lincoln, Neb., was born at La Salle, Ill., Nov. 20, 1853. His father, Wescott Robert Field,



WESCOTT R. FIELD

was born in Chester, Vt., Feb. 14, 1819, and died Aug. 4, 1903. He settled at La Salle, Ill., about 1850, and engaged in mercantile business and coal mining. In 1858 he moved to Osage, Ia., where he continued in merchandising until his removal to Nebraska territory, in 1861. The following year he settled on a homestead near Lincoln, adjoining the present site of the hospital for the insane, where he was joined by his family in Dec., 1863. The settlers were few in Lancaster county at this time. One of Mr. Field's neighbors, Aaron Woods, who lived on Stevens creek, named the hill upon which the former built his log house "Yankee Hill" on account of Mr. Field's well-known Yankee ideas; and the precinct including that neighborhood took the same name. Mr. Field entered heartily, and with liberal expenditure of time and means, into the pioneer work of developing Lancaster county. The overland highways which carried the commerce of the time between the "states" and the mountain region and the Pacific Coast were relatively as important to the localities through which they passed as the transcontinental lines of railroads are to-day. So the early pioneers of this sparsely settled section worked out a roadway from Nebraska City to a point on Salt creek near where the gate to the grounds of the Epworth League now stands, on to the present site of Milford, and to a point near the present town of Beaver Crossing, and still westward to a junction with the overland trail at Ft. Kearney. This new road, without any public bridge or road fund, was laid out, bridged, and, where necessary, graded, entirely by private subscription. Until the U. P. R. R. was built there was doubtless more freight and passenger traffic over this road than over all the roads in Lancaster county to-day. It soon became the route for Mormon immigrants, and their trains of a hundred wagons and thousands of men, women, and children followed this trail across the prairies. This road became known as the "Steam Wagon road," from an attempt by Nebraska City parties to haul overland freight with a steam wagon. On its trial trip this steam wagon reached a point about three miles west of Nebraska City, and then stuck in the mud, from which it never emerged by means of its own power. W. R. Field was a leader in the enterprise of sur-

ALLEN W. FIELD

veying and building this road, and he devoted much time and labor to its construction. One of the purposes of this highway

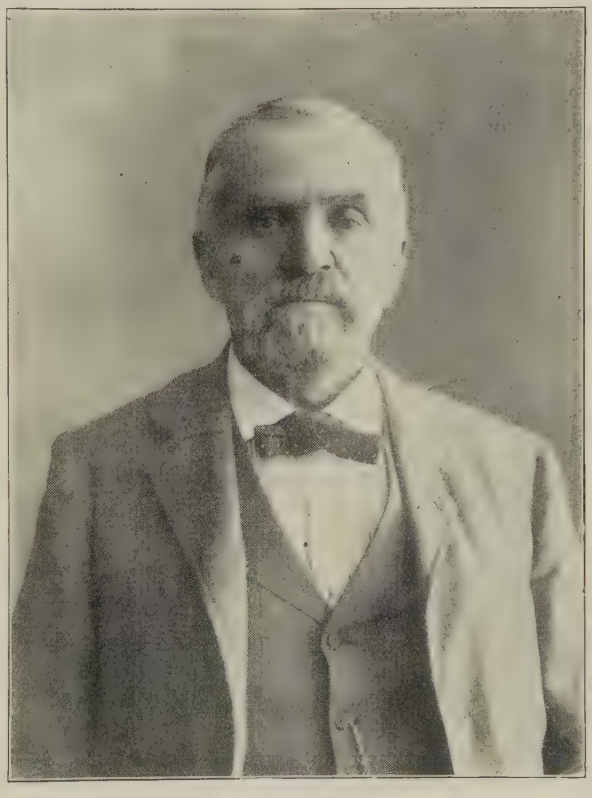
was to establish a town near the crossing on Salt creek, and it was platted and named Saline City. This city as laid out comprised the eighty acres upon which the water tank for the hospital for the insane now stands, south and west of the city of Lincoln. It was platted and owned by W. R. Field, John Cadman, and Dr. Wesley Queen. When the site of Lincoln was chosen, in 1867, Saline City was a thriving village. Wescott R. Field had an abiding faith in the future of Nebraska, worked for it and saw the accomplishment of many of his hopes. He served as county commissioner from 1869 until October, 1871, and was during a large part of this time chairman of the board.

Berthia S. (Bates) Field, mother of Allen W. Field, was born in Springfield, Vt., Mar. 18, 1824, and died in Lincoln, Neb., Mar. 31, 1872. Before her marriage to W. R. Field she was a school teacher. She was a woman of wide reading and of liberal education, and she always regarded the education of her children as of primary importance. She worked hard, like all pioneer women, and under adverse surroundings sought to preserve something of the civilization and refinement of the older communities in which she had lived. To the pioneer women of Nebraska and their keen appreciation of the value of education to their children, Nebraska owes in a large measure its present school advantages. The parents of Allen W. Field were both of New England ancestry, his father's people, of whom a complete genealogy is preserved, living in Massachusetts, Connecticut, and Vermont from 1635. Walbridge A. Field, late judge of the supreme court of Massachusetts, was a grand-uncle of Allen W. Field. Mr. Field acquired his early education in Osage, Ia., where he attended the public schools until ten years of age, when the family removed to Lancaster county, Nebraska. In the first schools of Lancaster county he had a few months' schooling each winter until his seventeenth year. One winter he attended school in a log house with a dirt roof, and benches made from puncheons, with holes bored for the insertion of legs. Several winters the school was kept in a dugout with a fireplace, puncheon seats, but no desks. Later this was replaced by a log house with a board floor. Robert Thurston was the teacher for several winters, and, according to Mr. Field, conducted a very good school.

In 1870, Mr. Field attended a spring term at Tabor (Ia.) college, and in 1871 entered the Nebraska state university, upon its first opening. He attended the university for six years, there being at that time a two-year preparatory course, and was graduated with the degree of B.S. The university afterward conferred upon him the degree of M.A. He is a member of the Phi Beta Kappa of Nebraska. Allen W. Field endured all the privations and hardships common to frontier life during his boyhood, which was spent on the old homestead, three miles southwest of Lincoln, although he was highly favored with the opportunity to acquire a liberal education, which well fitted him for the duties of after life. Immediately after his graduation from the state university he began to study law in the office of James E. Philpott, and was admitted to practice in 1878. During this year he served as justice of the peace, and in January, 1879, he formed a partnership with Edwin P. Holmes, now judge of the district court. This partnership continued until 1883. In 1882 Judge Field was elected to the lower house of the state legislature, serving in the eighteenth and nineteenth sessions and was chosen speaker for the session of 1885. In 1884 he formed a partnership with Gen. J. R. Webster, and in 1886 was appointed district judge, to which office he was elected in 1887, and reelected in 1891. He resigned the judgeship in 1892, when he received the republican nomination for Congress in the 1st district, but he was defeated by William J. Bryan. Since 1892 he has practiced law continuously, has served as a member of the Lincoln Commercial club, and has been active in the support of every public enterprise. He was married, Dec. 20, 1883, to May B. Fairfield, daughter of Edmund B. Fairfield, second chancellor of the University of Nebraska. Four children have been born to Mr. and Mrs. Field: Allen W., Jr., Georgia, Kate, and Edmund Field.

FOWLER, SAMUEL HORTON, deceased, freighter and pioneer of Platte and Dodge counties, was born in Westfield, Mass., Sept. 6, 1825. He was married to Ann Jenett Humphrey at Hartford, Conn., in 1848; emigrated to Michigan in 1849, and in 1859 removed to Nebraska and entered a homestead on the Platte river, east of Columbus. For five years Mr. Fowler freighted between Omaha and Ft. Kearney. He then moved his family to Elk City, Douglas county, and from there to Fremont. Here he bought the old Robinson hotel at the corner of 3d and Main Sts., and for three years successfully operated it under the name of the Fremont House. The Fremont House and its association is dear to the hearts of the early trav-

elers, for hospitality was always identified with the name. Mr. Fowler established the first stage lines from Fremont to Lincoln, and from Fremont to West Point. This was at a time when such employment promised little but hard labor, but this did not daunt the industrious spirit with which nature had endowed him, and his labors brought him good results. Mr. Fowler died Nov., 1870, in Fremont, where he is buried. His wife, Ann Jenett Humphrey Fowler, was of English descent. She was born in Connecticut in the year 1829, married to Samuel H. Fowler in 1848, and removed with him to Nebraska in 1859. From 1871, after her husband's death, to 1900, she resided with her family of one daughter and two sons at 534 East 5th St., Fremont. The able and efficient manner with which this widow discharged the duties of double parent to her fatherless children is but another evidence of the capability of the pioneer women of this prairie state. Her children grew up under the discipline of a strong mind and a cultured and intellectual example, having as a heritage her careful training and the environments of a Christian home. In Sept., 1900, Mrs. Fowler moved to Omaha to reside with her daughter, Mrs. W. H. Munger, where she died Sept. 21, 1903. She is buried beside her husband in Ridge cemetery, Fremont. Mrs. Fowler is survived by a daughter and two sons: Jennie Maria, wife of William H. Munger, judge of the United States district court, district of Nebraska, residing at Omaha; Willard Horton Fowler, a successful merchant of Fremont, who has for nearly a quarter of a century been prominently identified with the business interests of that city; Frank Humphrey Fowler, junior partner of the Nye-Schneider-Fowler Co., Fremont.



PETER FRENZER

FRENZER, PETER, Omaha, Neb., was born in Rhenish Prussia, Apr. 24, 1831. His father was Nicholas Frenzer, and his mother's maiden name was Margareta S. Schabbach. They emigrated to this country in 1845, settling in Milwaukee, Wis. Peter lived with his parents until he attained his majority, and then learned the trade of manufacturing wagons and carriages. He worked in a carriage shop in Chicago until 1856, when he removed to Omaha, and established himself in his trade. In 1858 he took as a partner Charles J. Karbach. Omaha, at that time, was an outfitting place for gold hunters and other emigrants to the West. The firm did a large business in this line. After some years Mr. Karbach withdrew from the business, and Mr. Frenzer conducted it until May 1, 1866, when he entered into partnership with Julius Rudowsky, and went into the lumber business. This partnership continued until Jan. 1, 1867, when Mr. Rudowsky withdrew, and Mr. Frenzer continued the business alone until 1870. From 1865 to 1893 he dealt in sand in partnership with Jacob Tex. Since 1870, most of his time has been spent in managing his property. From the very beginning his earnings have been invested in real estate and in improving it with many substantial buildings. The principal one, a brick store and office structure, the Frenzer block, was built in 1879 on the southeast corner of Dodge and 15th Sts. He has also built a large three-story and basement brick residence for his own use, which is located on Capitol Hill. In politics Mr. Frenzer has always been a democrat but never held a political office. He is an active and useful member of the Old Settlers' club, which was organized in the '80s, the only society to which he belongs. He was married, in Chicago, in Sept., 1862, to Catherine Leist, and her many good qualities and excellent house-wifery have greatly contributed to his success. Seven chil-

dren have been born to them, four of whom are now living, John N., Joseph P., Mary C. H., and Lucy. Joseph P. Frenzer owns and carries on the jewelry store in the Frenzer block, at the corner of 15th and Dodge Sts.

FULLER, BENJAMIN HARVEY, Nebraska pioneer, and for nearly half a century prominent as a farmer and a business man in Pawnee county, was born in St. Johnsbury, Vt., May 12, 1828, and died in Pawnee City, Neb., Jan. 13, 1901. He was a son of Benjamin and Sarah Abbott Fuller, the former a hatter in humble circumstances who, like his grandfather and father, met death by drowning, and, like them, left an only son named Benjamin. The father of Benjamin Harvey Fuller is supposed to have been drowned in Passumpsic river in Vermont in Nov., 1836, and left a widow, and three children ranging in age from eight to fifteen years. The small family was left without property, and the noble mother by hard work and economy managed to rear her children and give them a common school education. Benjamin H. Fuller attended school during the winter months until he was nineteen years old, working in the summers as a farm hand in order to assist his mother in the support of the family. After leaving school, for two winters he taught school. In 1851 he determined to leave home and if possible make his fortune. He went to California by way of Central America, and for three years worked in the mines. He then returned to Vermont with little money but a vast fund of experience. He rented a small farm which he worked for a few years, then leased a grist mill. He managed this until Aug. 12, 1862, when he enlisted as a private in the 3d Vt. Vol. Inf. He was soon promoted to corporal and sergeant, and in June, 1864, to 1st Lieut., Co. K, and soon after to Capt., Co. B. He was in all the engagements in which his regiment participated excepting Mill Run and the first Fredricksburg, being at the time of these battles ill of typhoid fever in the hospital at Hagerstown, Md. After he was honorably discharged from the army, July 19, 1865, with wife and three children he went to Marshall county, Ia., where he passed the winter of 1865–66. Starting westward with a team and outfit he arrived at Pawnee City, Neb., on June 27, 1866. He settled on a homestead on the west branch of Turkey creek, ten miles southwest of Pawnee City, rented a log cabin of Elder Robt. Turner, and in the following October removed his family into the new home. At this time his moneyed possessions amounted to $1.60, and he owed $140 for his team and outfit. With the winter near, he often had serious thoughts of how he could sustain his wife and little ones. But he never despaired, and set about with the determination to win, and gradually by hard work he recovered from debt, and built for himself a home. He engaged in stock growing and general farming, and soon became independent and a man of prominence in the settlement. In the political field he was a whig until the birth of the Republican party, which he joined, and never swerved from allegiance to that political faith. In the fall of 1879 he was elected sheriff of Pawnee county, was reelected at the expiration of his first term, and upon the turning over of the office to his successor, was appointed cashier of the Bank of Burchard, which position he filled for eighteen months, when he resigned to accept the office of county treasurer to which he had been elected. For two successive terms he was in this office, then retired to private citizenship, and gave his attention to his real estate and farming interests until his death. For thirty-four years he was a member of the Presbyterian church. He was a man who by his life merited and won the respect of his fellow citizens. He was active in charitable work, and never was known to refuse help to one in distress. He was married Mar. 28, 1855, to Miss Isabella B. Harvey, whose self-sacrificing loyalty and devout Christian spirit gave her ennobling influence not only in the home but so far as her acquaintance reached. Mrs. Fuller very creditably occupied various positions of honor and trust in the Woman's Relief Corps, both local and department, until failing health forbade. Following her husband's death her ill health increased gradually until her death, Jan. 29, 1902. Of this union there were born six children and fourteen grandchildren. W. Arthur, next to the youngest child, died in his twentieth year. The five living children are Frank B., Cloud H., Mary E., Louie L., and Jennie P. Frank B. and Louie L. have, for more than fifteen years, been connected with the B. & M. R. R. R. as agents. Cloud H. Fuller in 1899 was elected sheriff of Pawnee county, to which office he was reelected in 1901. May E., wife of Jas. K. Liggett, resides in Camp Point, Ill., where she has twice served as member of the board of education; and Miss Jennie has won local repute as instructor of music.

FURNAS, ROBERT W., second governor of the state of Nebraska, pioneer editor, farmer and horticulturalist, was born on a

farm near Troy, Miami county, O., May 5, 1824, and died at the Lindell hotel, Lincoln, Neb., June 1, 1905. He was a son of William and Martha (Jenkins) Furnas, both natives of Newberry, S. C., the former born in 1804, and the latter in 1800. Both died of cholera at Troy, O., in the year 1832. His grandfather, Thomas Wilkinson Furnas, was born in Charleston, S. C., in 1762; his great grandfather, John Furnas, was born at Standing Stone, Cumberland, Eng. Both his paternal and maternal ancestors were of the Quaker faith. Robert W. was the only son of William and Martha Furnas who grew to manhood, his twin brother dying in infancy, while a sister died at the age of eighteen years.

After the death of his parents Robert lived with his grandfather Furnas until twelve years old, then for two years he was employed in the general store of Singer & Brown, Troy, O. At the age of fourteen years he was apprenticed to the tinsmith trade with I. W. Hart, of Troy, serving four years. He then entered upon a four-years apprenticeship in the printing business with R. C. Langdon, of the Licking Valley *Register,* Covington, Ky. Later he conducted a book and job printing house in Cincinnati, O., for several years, in partnership with A. G. Sparhawk. At the age of twenty-two years Mr. Furnas returned to Troy, O., in his native county, where he purchased the *Times,* a whig newspaper, and was its editor and publisher for about five years. Afterwards he entered the jewelry and notion trade in the same town, where he was also village clerk and deputy postmaster. He next engaged in railroad work on the Dayton & Mich. R. R. acting as station agent at Troy, and later as train conductor. He then took up the insurance business for a time. In 1856 Mr. Furnas started on the long and toilsome journey to Nebraska, and Apr. 6 of that year debarked from the steamboat J. H. Lucas, at Brownville, with a total capital of $0.18¾. Brownville was then a village of but four or five log houses, but the optimism which distinguished Mr. Furnas in later years was even then in full bloom, and he at once decided that Nebraska was destined to be a great and a rich state.

He found the scattered settlers eager for a newspaper, and detecting signs of a town lot boom he secured a meager printing outfit, and June 7, 1856, he issued the first number of the Nebraska *Advertiser.* There has been some question as to whether Mr. Furnas brought with him to Nebraska the material which was first used in the publication of the *Advertiser.* It is claimed by some that he did, but others insist that this printing outfit was brought to Brownville by Dr. John McPherson, who engaged Mr. Furnas to edit and publish the paper. It is certain that Dr. McPherson had some interest in the publication, and it is generally believed that while Mr. Furnas brought the plant to Nebraska, he was in charge of it as the representative of Dr. McPherson. Considering conditions and facilities the *Advertiser* was a marvel of newspaper enterprise and would compare favorably with the average present-day Nebraska weekly. It was a success from the start, and the town lot boom and the resultant legal printing was sufficient to make glad the heart of the young Ohioan. In later years Mr. Furnas was heard to say that those years of hard work on the *Advertiser* were the happiest of his life in Nebraska. "One enthusiastic pioneer," said Governor Furnas, "subscribed for twenty-five copies of my paper. After a proper length of time I presented my bill, $50. 'Why, you don't expect me to pay that, do you?' gasped the man. 'Certainly I do,' said I, 'you subscribed for that many papers, didn't you?' 'Yes, but I didn't think you would want any pay for them. I only subscribed to encourage you.'"

While publishing the Nebraska *Advertiser* Governor Furnas set a pace which other Nebraska editors have followed, with the result that Nebraska's fame has spread to the uttermost ends of the earth. He wrote about Nebraska's wonderful climate, rich soil, and splendid possibilities. He sang her praises in season and out of season, and he painted her glories in vivid colors. The influence he exerted in the development of Nebraska can never be measured, but it is enough to know that all he wrote in Nebraska's praise and all the prophecies he made concerning her future have been fully realized. Of Governor Furnas and his work on the *Advertiser* J. Sterling Morton said, in an address on "Territorial Journalism" before the State Historical Society: "The *Advertiser* was pronouncedly an advocate of the material development of Brownville and Nemaha county. It was a strong believer in the horticultural and agricultural possibilities of Nebraska soil. Its editor from 1856 to 1861 was Robert W. Furnas, since governor of the state, who has been one of the most self-sacrificing and persistently industrious men in behalf of the upbuilding in this state of all that makes prosperity and happiness for its citizens. There is not a Nebraskan in public or in private life who has, during a period of forty years, performed a greater, better, and at the same time

less remunerative labor than has Robert W. Furnas, in his thoughtful and diligent efforts for the development of the true methods of homebuilding in this state. History will give him a peerless position among the pioneers who laid the social and esthetic foundations of this commonwealth." Dr. George L. Miller, in his address on "Newspapers of the Territorial Period," before the State Historical Society, said of Governor Furnas: "Furnas, the father of Nebraska horticulture, and the life-long promoter of our agricultural advancement, with his own *Advertiser,* and otherwise, has won for himself enduring honor, and a name which will never be erased from the written annals of the state." In 1868 Mr. Furnas also edited and published the Nebraska *Farmer,* the first agricultural paper to be published in Nebraska.

In the fall of 1856 Mr. Furnas was elected to the council of the 3d legislative assembly of the territory of Nebraska, and served during the third, fourth, fifth, and sixth sessions. He was secretary of the council at the eighth session, in 1860. He was elected public printer by the territorial legislature, and printed the laws and journals of the fourth session. During his first service in the territorial legislature, at the third session, he was the author of the first common school law for Nebraska, and also the law creating a territorial board of agriculture.

The following record of the military career of Mr. Furnas is by Robert McReynolds: "At the breaking out of the war between the states he was commissioned by then Acting Governor J. Sterling Morton colonel of the territorial militia, and afterward commissioned by Acting Governor A. S. Paddock brigadier-general in the same service, for the district south of the Platte river. Without solicitation on his part, was appointed and commissioned by President Lincoln, Mar. 22, 1862, colonel in the regular army; was mustered into the service by Lieut. C. S. Bowman, Ft. Leavenworth, Kan., May 22, 1862. Under this commission he organized three Indian regiments from the 'Indian nation,' composed of Creeks, Seminoles, Choctaws, Chickasaws, and Cherokee Indians, commanding the brigade. In this campaign Colonel Furnas had with him as members of his staff and Indian advisers the two noted Seminole chiefs, Opotholoholo, then said to be over 100 years old, and Billy Bow Legs. These two Indian leaders, it will be remembered, were conspicuous characters in the Florida-Seminole war of 1838. While in this service Colonel Furnas captured the celebrated Cherokee Indian chief John Ross and family, sending them to Washington, D. C., for conference with the President of the United States. This terminated trouble in the Indian nation. With these Indians he fought several successful battles against white Confederate soldiers on the border of Missouri and in the Indian territory. Was detailed from this service with a special commission from the noted Jim Lane to recruit in Nebraska. Recruited largely the 2d Neb. Cav. Entered that service as a private; was commissioned captain of Co. E. When regiment was completed, was, by Gov. Alvin Saunders, commissioned colonel of same, and served under General Sully in his northern Indian expedition against Sioux and other hostile Indians, north near British possessions. The 2d Neb. Cav. successfully fought the battle of White Stone Hills against a treble number of the Sioux Indians."

After the war Mr. Furnas was appointed by President Lincoln agent of the Omaha Indians, and held the office for four years, during which time he also had charge of the Winnebago and Ponca tribes. From this position he was removed by Andrew Johnson for political disloyalty. Returning to Brownville he engaged in newspaper work for a time, and then turned his attention to farming in Nemaha county.

He served as delegate to the convention which nominated U. S. Grant for the presidency the first time, and was a member of the committee on resolutions. He served one term as governor, Jan. 13, 1873, to Jan. 11, 1875, but chafed under its burden of routine work and its wealth of political scheming, and declined a renomination. He was afterwards elected regent of the state university, and served six years, and was president of the board during the last two years of his incumbency. He had also served as one of the first board of regents of the university. Although his educational advantages were limited to one year's attendance at the public schools, Mr. Furnas was deeply interested in the cause of education, and took much pride in the fact that he organized the first public school board in Nebraska, presided over the first educational convention held in the state, and as a member of the legislature drafted and secured the passage of the first common school law.

Politically he was in his youth an old line whig, and became a republican soon after the organization of that party. Although his parents were of the Quaker faith he early identified himself with the Methodist church, and upon his removal to Nebraska he united with

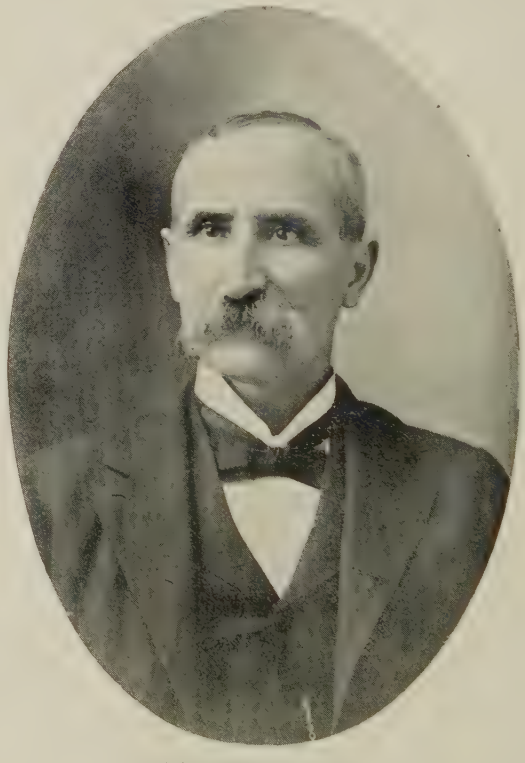
the Presbyterian church at Brownville, of which he was a member at the time of his death. He was a member of the G. A. R. and the military order of the Loyal Legion of the United States. During his lifetime Governor Furnas filled all the grand chairs in the Masonic body of the state, and of the I. O. O. F. of Nebraska, and was also representative to the grand lodge of the United States. For two years he was special agent of the United States pension bureau.

In all matters pertaining to agriculture, floriculture, and pomology, Governor Furnas took an active and leading interest. As president of the agricultural and horticultural societies for a number of years, and as secretary of the state board of agriculture for many years, he perhaps did more than any other man to develop these resources in Nebraska. He also served as vice-president of the American Pomological society. He was regarded as an authority on all topics pertaining to these branches of industry, and he gave freely and gladly of his knowledge and experience in order to beautify and enrich the prairies of Nebraska. He probably planted more trees than any other one man in the state, unless an exception should be made in favor of Dr. George L. Miller, and he also influenced others to plant uncounted thousands. Whenever there was an opportunity to exhibit samples of Nebraska's resources and development abroad Governor Furnas took the initiative, and by his enterprise, tact, and knowledge of all that pertained to Nebraska he performed a splendid work that resulted in turning the attention of thousands of homeseekers towards the young state. It is entirely within the bounds of reason to say that hundreds, if not thousands of families were led to cast their lot in Nebraska by the missionary work of Governor Furnas; and all of them are willing, even anxious, to bear testimony to the fact that not even in his most eloquent and optimistic moods did the Governor exaggerate the resources and possibilities of the state. He served as United States commissioner to the Philadelphia Centennial Exposition, the New Orleans Cotton Centennial, and the Chicago Columbian Exposition; special commissioner, International Exposition, London, Eng.; president International Fairs and Expositions; president of American Fair association; special agent of the U. S. department of agriculture to report upon the agricultural needs of the Pacific Coast states; and president first Trans-Mississippi irrigation convention. As secretary of the state board of agriculture, a position calling for unusual tact, ability, and industry, he proved his fitness by the fact that the Nebraska state fair and exposition is one of the very few state fairs that have been successful either financially or as expositions of the state's resources. He was secretary of the state board of agriculture at the time of his death, and was actively engaged in making arrangements for the 37th annual state fair, up to within a few days of his demise. Governor Furnas organized the Nebraska State Historical Society, was its first president, and held the office for some years afterward. Declining to serve longer, J. Sterling Morton was elected to succeed him for some years. After Mr. Morton's death he was elected to succeed him, and served until Jan. 1, 1905, when he voluntarily retired. Mr. Furnas was first married Oct. 29, 1845, at Cincinnati, O., to Miss Mary E. McComas. She was born in Bellbrook, Greene county, O., Dec. 18, 1826. Her father, Daniel McComas, and her mother, whose maiden name was Mitchell, were born and married in Baltimore, Md. The family originally came from England, and were among the earlier and prominent residents of Baltimore. Daniel McComas and family migrated to Greene county, O., and from thence to Cincinnati, where the daughter, Mary E., was a teacher in the public schools. Mrs. Furnas was a member of the Methodist church until she settled in Nebraska, after which she affiliated with the Presbyterians, with whom she was an active worker until her death, which occurred at Brownville, Neb., Apr. 1, 1897. Eight children were born to Mr. and Mrs. Furnas, five of whom are still living: John, Brownville, Neb.; Arthur, Tampa, Fla.; George G., now residing in Arizona; Celian, now Mrs. Lowman, of Brownville; and Mary, now Mrs. Weeber, of Denver, Col. He was married a second time, Dec. 25, 1899, to Mrs. Susanah Emswiler Jamison, who survives him, and resides at Brownville, Neb. Governor Furnas had been afflicted for a number of years with diabetes, which was the immediate cause of his death, June 1, 1905. Funeral services were conducted in the parlors of the Lindell hotel, June 2, by Rev. H. C. Swearingen, after which the remains were taken in charge by the Masonic order, and transferred to the lodge rooms, where they lay in state the afternoon of June 3, and were viewed by hundreds of the citizens of Lincoln. The body was then removed to St. Paul M. E. church, and at the hour of midnight, Washington time, the solemn and impressive Scottish Rite burial service was held. The remains were then conveyed to Brownville, by special train, with a Masonic escort, and

accompanied by a large number of distinguished citizens, and were buried according to the Masonic ritual.

GALLAGHER, BENJAMIN, for more than thirty years prominent in commercial circles of Nebraska, was born in Des Moines county, Ia., in 1840, and died in Omaha, Neb., Mar. 23, 1900. His father was a native of Georgia, and his mother of West Virginia, and both parents became residents of Des Moines county, Ia., in 1838, and were among the earliest pioneers in that section of the state. In the public schools of his native state Mr. Gallagher received his education, and at the age of twenty-one embarked in the retail grocery business at Ottumwa, Ia., and continued it until 1863, when he received the appointment of sutler at Ft. McPherson, which position he filled with credit until 1866. He then engaged in the wholesale grocery business at Cheyenne, Wyo., in association with Samuel Megeath. In 1868 the business was reorganized, and Mr. Gallagher formed a partnership with A. C. Beckwith, but soon after disposed of his interests in the firm, and engaged in the cattle business. In 1872 Mr. Gallagher removed to Omaha and purchased the interests of John A. Creighton in the wholesale grocery firm of Creighton & Morgan, which business was afterwards carried on under the firm name of Morgan & Gallagher, and was so continued until 1879, when Mr. Gallagher withdrew from the firm and joined his old-time friend, William A. Paxton, in the same line of business under the firm name of Paxton & Gallagher. The new company commenced business on the corner of 15th and Farnam Sts., where the Ware block now stands. Under the excellent management of Mr. Gallagher the business of the firm increased to such proportions that it was found necessary to secure larger quarters, and in 1882 the firm moved to its present location, corner of 10th and Jones Sts., and since the. has occupied one of the largest wholesale grocery warehouses in the West. In 1877 Mr. Gallagher was married in Salt Lake City to Miss Winnifred A. Keogh. To Mr. and Mrs. Gallagher two sons were born, Paul C. and Benjamin K. Gallagher. While Mr. Gallagher did not take an active interest in politics, he was always interested in securing honorable and upright men for public positions, particularly in municipal affairs. Often urged to become a candidate for office, he always refused on the grounds that all his time and energy were needed in the building up of the firm's business. He was always prominently identified with all matters that tended to develop and build up the community in which he lived. He was a charter member of the Omaha board of trade, Omaha club, and one of the organizers of the Omaha Commercial club, in which he held an active membership until the time of his death. None stood higher in the estimation of his friends and acquaintances than did Ben Gallagher, the genial, whole-souled, generous man of business, who in his unostentatious manner won friends who were steadfast through life.

GALLEY, JAMES HENRY, pioneer merchant of Columbus, Neb., was born in Macclesfield, Eng., Apr. 23, 1840. His father, James Galley, was born in Manchester, Eng., of parents who were very poor. While working in a cotton mill in Manchester he marked down upon the floor in front of him with chalk the lessons and problems which he sought to



JAMES H. GALLEY

work out. In the evenings he would walk three miles to take instruction. In this way the lad acquired an education sufficient to fit him for teaching, which he followed for several years. He married Ann Whittaker, a woman of good educational attainments whose father kept a small store in Macclesfield and was owner of a number of brick residences

in that city. Mr. Whittaker belonged to the militia which was ordered to join the forces of Wellington at the battle of Waterloo, where he arrived just in time to witness the surrender of Napoleon. To Mr. and Mrs. James Galley were born nine children, of whom seven lived to manhood and womanhood. Of these George W. Galley is a resident of Columbus, Neb.; Martha is the widow of John Barrow, and is now residing at Salt Lake City, Utah; Mary married Wm. Draper and is now dead; Samuel, deceased, was a merchant of Creighton, Neb.; Sarah Ann is a resident of Creighton, Neb.; and James H. is in business at Columbus.

In 1853 James Galley and his family sailed from England and landed at New Orleans. They went up the Mississippi river by steamer to St. Louis and remained there for about six weeks. Then they went to Keokuk, Ia., by steamboat, traveled by team across the state of Iowa to Council Bluffs, and on across the plains to Utah. They settled in Salt Lake City, and shortly after moved to Cedar Valley, where General Johnston located his camp in 1857. In June, 1859, they recrossed the plains, and in September of the latter year settled in Platte county, Neb. There the elder Galley bought 389 acres of land from the government. He was a man of more than ordinary ability, and was elected one of the first justices of the peace in the vicinity of Columbus. He died in 1861, and his wife survived him about three months. J. H. Galley acquired his education under the instruction of his father until he was ten years old. When he was twelve years of age he accompanied his parents to America. The first wages he ever earned in America were for herding sheep about twenty miles south of Salt Lake City along the mountain sides. His employer was one Abraham Hunsaker, who owned a sheep ranch. Here young Galley worked for about two years, and at the end of his service received as pay about twenty sheep and a yoke of three-year-old steers. Money was almost unknown in that locality. An illustration of the scarcity of money among the pioneers of many western localities is afforded by the statement of Mr. Galley that from the time of his arrival in Utah in 1853 until 1857, when General Johnston located a camp in the valley in which he and his parents lived, he never saw any. When the family settled in Platte county, in Sept., 1859, their nearest trading point was Omaha, and for their milling they had to go to Calhoun or Milford. It often took a week to make the trip to mill, and upon one occasion, after getting to the mill Mr. Galley was obliged to go to the woods and provide fuel for use in grinding his grist. The first winter he passed in the state was that of 1860, memorable because of its severity. In January of that year he and a party of companions started to market corn, Ft. Kearney and the ranches along the Platte then affording the market for grain. The party comprised Mr. Galley, his brother Samuel, his brother-in-law, William Draper, Tom French of Plum Creek, and Pat Mulloy. They took with them three wagons loaded with ear corn, each drawn by three yoke of oxen. After crossing the Loup river on the ice, they went into camp for the night. During the night a genuine blizzard came up, and they were storm-bound for three days, just crawling out of their wagons to prepare coffee and then back into them to roll up in their robes. At no time during those three days could they see more than two rods from their wagons through the storm. The faithful cattle were turned out in the brush to shift for themselves, nor did the owners dare look for them until the storm had passed. When the tempest was over, however, the cattle were found in safety and the party proceeded on its way to Ft. Kearney, through about two feet of snow, sleeping in the wagons at night, as there were few places of shelter along the road in those days. When they reached the Platte river at Kearney it took them all day to ford it, which was accomplished by hitching the nine yoke of cattle to one wagon at a time, the only way in which they could get safely through the water and ice. In the fall of 1862 Mr. Galley enlisted as a private in Co. K, 2d Regt. Neb. Cav., and participated in the Indian war and the battle of White Stone Hills under General Sully. He received his discharge in Omaha in 1863, and returned again to Columbus and engaged in farming, which he followed until the spring of 1866, when he went into the mercantile business in partnership with Vincent Kummer, who was then county treasurer of Platte county. After about a year the firm sold out to Dale & Willard, and Mr. Galley again returned to farming. In 1873 the firm of J. H. Galley & Bro. was formed and engaged in the mercantile business in Columbus. In 1880 it started a branch store at Creighton, Neb. In 1892 the firm was dissolved, Samuel taking the Creighton store and James retaining the store at Columbus. He has continued this business ever since, and has achieved marked success, being known as one of the reliable, stable, and progressive merchants of that section of the state. Mr. Galley has always been a stanch republican. In 1867 he was elected coroner of Platte county.

For twelve years he has been a member of the board of education of the city of Columbus, was treasurer of school district No. 9 for a number of years, and has served several terms in the Columbus city council. For a number of years he has been vice-president of the First National bank of Columbus. He is a comrade of Baker Post No. 9, G. A. R., and has served two terms as its commander. During his administration as commander he was instrumental in procuring the erection of a monument in the public park of Columbus in memory of the soldiers and sailors of the Civil war. He has been a member of the Royal Arcanum since 1878 and has held all the subordinate offices of the order. He has twice been a member of the grand council of this order, which has a membership of over 200,000. On Feb. 21, 1871, Mr. Galley was married to Miss Helen Hudson, daughter of the late Judge H. J. Hudson of Columbus, one of the pioneers of Platte county. Eight children have been born to them, six sons and two daughters. Albert J. is a graduate of the Columbus high school and of Rhorbaugh's commercial college in Omaha, and is bookkeeper in his father's store. Vincent H. also took a course in Rhorbaugh's commercial college. Walter W. is a graduate of the Gem City commercial college at Quincy, Ill. Ethel G. is a graduate of the Columbus high school and of the University school of music at Lincoln, and is now teaching both piano and vocal music with success. Earl R. is a clerk in the First National bank, while William H., Maud E., and Clifford R. are still attending school. It is a great satisfaction to Mr. Galley to note the great superiority of the educational, social, and commercial advantages enjoyed by his children over those which were available to the children of his generation.

GATES, AMOS, pioneer of Gilmore, Sarpy county, Neb., was born near West Jefferson, Madison county, O., Sept. 5, 1829, son of Nehemiah and Hannah (Mills) Gates, the former a farmer of Madison county and the latter of New England ancestry. Amos Gates was educated in the country schools of his native county and in the academy of West Jefferson, but received no college education. He removed to Nebraska, June 15, 1855, and settled one and one-half miles west of the present town of Gilmore, Sarpy county, where he resided until his death. His late residence is situated upon a sightly eminence which was once the location of an Omaha Indian village. Mr. Gates was a farmer and stock raiser all his life, in which pursuits he was very successful. He was a stockholder and director in the Packers' National bank of South Omaha. He was always a democrat and served in the 4th, 7th, 9th, and 10th territorial assemblies of Nebraska, and the 15th, 16th, 17th, and 21st state legislatures. He took a prominent part in the legislative bodies of which he was a member and made a good record in his support of good legislation, and a strong fight for good laws. He was married in 1852 to Samantha Arnett, and eight children were born to them: Mary Eliza, born Dec. 23, 1854, wife of John Lilly; Della, born Aug. 19, 1856, married Edward Medcraft, and died Mar. 13, 1882; Anna Elizabeth, born July 2, 1858, married Thomas Gladhill; Maggie Bell, born June 9, 1860, wife of Frederick Trumble; Jedediah M., born Nov. 29, 1862, married Elizabeth Trumble; Charles E., born Oct. 29, 1864, married Lavernia Whetstone; Ruth, born Jan. 20, 1867, wife of Richard Daniels; Edward Creighton Gates, born July 7, 1873, married Ina Kenworthy. Mr. Gates died Aug. 6, 1905.

GILBERT, JOHN WINANS, Nebraska pioneer, and retired farmer, of Saline county, was born in Drake county, O., July 31, 1840, son of Jonas and Louisa (Winans) Gilbert. The Gilbert family came from England in Cotton Mather's time, and settled in New England from which place members emigrated to other parts of America. The paternal grandfather of Jonas Gilbert met his death at the hands of tories and Indians near Harrisburg, Pa., six months before his only son was born. He had an only brother who was with General Wayne in northern Ohio, who, it is supposed, was killed by the Indians, as he was never again heard of. Thus, of this branch of the Gilbert family those in existence are the descendants of Jonas and his brother and sisters. Jonas married Louisa Winans of New Jersey, whose parents were among the Ohio pioneers. Her father died when she was quite young, and her mother, whose maiden name was Bidlack, lived to an advanced age. Jonas Gilbert became a pioneer farmer in Ohio, where for many years he struggled hard to clear an eighty-acre tract and support his family. In 1865 he became one of the pioneers of that section of Nebraska which is now Saline county, where he died on Feb. 22, 1882, at the age of seventy-two years. His wife, who was his companion and helpmate for so many years, survived until Feb. 28, 1893, when she died at the age of seventy-six. John W. Gilbert commenced to acquire the rudiments of an education when he was eight

years old, attending the old-fashioned country log schoolhouse, generally presided over by teachers whose educational accomplishments consisted of a small knowledge of writing, arithmetic, and spelling, and whose particular merits rested in their physical ability and inclination to chastise the pupils fortunate or unfortunate enough to be in their charge. For about three months in the year John W. Gilbert attended school until he reached his majority, the balance of the time being devoted to the work of the farm. When he was twenty-one the duty of caring for his father's farm devolved upon him on account of the crippled condition of his father, which was induced by hard labor.

In 1865 the Gilbert farm in Ohio was sold for $2,500. With this sum the family, consisting of father, mother, two married daughters and their families, three single daughters, son and wife, who were accompanied by two neighbors—the families of Michaels and Hathaway—about twenty in all, set out for Nebraska. After a journey occupying fifty-two days, the party, on Sept. 22, 1865, reached Turkey creek, in what is now Saline county. They were the first to settle this far west, and the Gilbert family took up 1,000 acres of land, built a dugout which served as a home for four years, and commenced to till the soil and to build comfortable homes for themselves. The work was hard, but not of the character they had left in Ohio. The women as well as the male members of the little settlement did their share to win success, and by raising stock and growing crops in a few years' time hardships were lessened and the road to prosperity made easy. The trials of these pioneers for a few years were such as to test the nerves of the bravest. Indians were numerous in the country, and now and then made raids into the settlements, and run off stock, but never did greater injury to the settlers than to cause considerable fright at times. Nebraska City was then the nearest supply point for the settlers, whose wants were few, as the soil produced all the corn for meal, which was the chief article of diet, with vegetables and meats. There was a mill at West's sawmill on the Blue where the corn was reduced to meal. At the age of thirty-five, Mr. Gilbert had acquired such results from his labors as enabled him to retire from active work on the farm, and he has since been reaping the benefits of his early labor. He rents out his land, and has one tenant who has for more than twenty years occupied one of his farms. Reared in a frontier country, Mr. Gilbert is a natural huntsman and a lover of animals both domestic and wild. Some years ago he fenced in a forty-acre tract which he stocked with deer and elk. This small park he improved until at the present time he has seventy-five acres inclosed with woven wire fence and stocked with more than forty head of elk, deer, and buffaloes. They are perfectly tame, and afford Mr. Gilbert much pleasure. Mr. Gilbert has no war record except that he was drafted into service at Camp Chase, and his father, who was in poor health at the time and could not well spare him from the farm, secured for him a substitute. He was again drafted, but the same conditions prevailing, he avoided service by the payment of $300 to the government for another substitute. He was one of the organizers of Saline county, was one of the first assessors, and his father one of the first county commissioners. In 1879 Mr. Gilbert was elected representative from the 25th district, and during the session of the legislature in 1879–80 introduced an amended game bill which became a law. He also introduced and secured the passage of the bill providing that railroad companies asking for bonds to be voted to aid them in the construction of new roads be required to file a plat of the proposed line with the county clerk before the election for voting upon the bonding proposition; and prohibiting the company building the road more than forty rods from the line designated in the plat so filed with the county clerk. In 1892 Mr. Gilbert was nominated for the state senate by the Democratic and Independent parties. Owing to his opponents inducing a well-known Bohemian citizen to run as an independent democratic candidate, the latter drew sufficient votes to defeat the regular nominee.

Mr. Gilbert never belonged to any church, secret society, or similar organization, his sole idea of religion being embraced in the Golden Rule, and to which he faithfully adheres. He is much of a philanthropist and a philosopher as well, is a lover of nature and can see good in all around him. He was married in Ohio in 1862 to Miss Martha Hoschouer, who left parents and friends to accompany him to the West, where she patiently endured all the hardships of the frontier. Often her bravery was tested, particularly when she was left alone in the dugout which was her home while her husband was detained for a night and a day at the mill or the blacksmith shop. Her nearest neighbors were half a mile away, and with no other companion than a faithful dog, and marauding bands of Indians about, it was sufficient to test the nerves of the bravest

woman. Mr. and Mrs Gilbert have no children of their own, but have reared two girls who are a credit to society.

GILMORE, ANDREW H., pioneer, Auburn, Neb., was born in Preble county, O., Jan. 8, 1829, and is a son of Thomas and Margaret (Beech) Gilmore, who were natives of Virginia and were married in 1816. Thomas Gilmore served as a private in the war of 1812. A. H. Gilmore received his education in the country schools of his native county. He crossed the western plains in 1850, having driven an ox team from Putnam county, Ind., to California. He started overland Mar. 12, 1850, and arrived about fifty miles from Sacramento, Sept. 9. He remained in California four years mining gold and then returned to Indiana. In 1869 he moved to Nebraska, settling at Brownville, remaining there until 1882. He then removed to Auburn where he has since resided, and has always taken a very active part in the advancement of that place. He has donated many town lots for public buildings, and has laid out two additions to the town which are known as the Gilmore additions, and also a third addition known as the Gilmore and Reed addition. In 1881 he built the first store building in Auburn, and is still foremost in every public enterprise. Mr. Gilmore is an ardent republican and active in the interests of the party. Though not a seeker after office he was elected county treasurer in 1873 and held the office continuously until 1881. He has been a member of the I. O. O. F. since 1866. He is a member of the Presbyterian church and has been an elder for over fifty years. Mr. Gilmore was married, in June, 1862, to Sarah Josephine Allen, and five children have been born to them: Albert D., Lincoln; Walter A., manager in the store of Gilmore & Armstrong; Paul A., Auburn; Eugene A., professor of law in the University of Wisconsin at Madison; and Grace A., student at University of Wisconsin. Eugene was one of the first graduates of the Auburn public schools, and later was graduated from Harvard.

GOOD, JACOB, president of the Citizens' State bank of Peru, Neb., was born in Henry county, Ind., Feb. 12, 1838, son of S. J. and Eulila (Templin) Good, the latter a daughter of Robert and Eunice Templin. His paternal ancestors settled in America in colonial times and his grandfather, Jacob Good, Sr., removed from Pennsylvania to Tennessee, and thence to Indiana, where he was one of the pioneers. Jacob Good received his early education in the public schools of Howard county, Ind., to which place he removed in 1844, with his parents. Owing to the scarcity of schools and the necessity of his remaining at work on the farm, his educational advantages were limited. In 1854 his parents removed to Wisconsin, and there he remained for two years. In Sept., 1856, with his parents he traveled to Nebraska, and his father settled on a homestead near Glen Rock. For a year he assisted his father in work on the claim, then entered a quarter-section of land for himself, adjoining his father's homestead. In 1864 he sold this land and established his residence near the town of Brock, where he resumed farming, which he continued until 1883, when he removed to the town of Peru. In his farming operations he was highly successful, and by investment of his surplus money in farm property acquired valuable holdings, and is now the owner of more than 1,200 acres of choice farming land, nearly all of which has been under cultivation for a number of years. In 1889 Mr. Good was one of the organizers of the Bank of Brock, and was its president until he disposed of his interests in it in 1892. In 1891 he was one of the principal organizers of the Citizens' State bank of Peru, and since then has been its president. He was one of the chief supporters of the present State Normal school at Peru, when it was first organized as a Methodist Episcopal college. While a republican in national politics, Mr. Good has always given his support to the candidate whom he believed best fitted to fill the office in the local field. For many years he has been a member of the Methodist Episcopal church, and has been liberal in matters of charity and in all philanthropic causes. On Oct. 24, 1861, he was married to Barbara E. Lash, daughter of Hon. Joseph and Susan Lash, pioneers of Nemaha county. To this union six children have been born, five of whom are living: Ellis E., cashier of the Citizens' bank of Peru, Neb., and present state senator from Nemaha and Johnson counties; Elmer F., a merchant at Stella, Neb.; Marcena E., and O. Maurice, both constituting the firm of Good Bros., general merchants, Peru, Neb.; and Ada B. Good, who resides at home with her parents. One child died in infancy.

GOODELL, LEVERETTE EDWARD, M.D., Wilber, Neb., was born Sept. 20, 1834, in Lodi, Medina county, O. He is a son of Joel Goodell, a preacher and farmer, and Elmina Brigham, who was an aunt of Col. J. H. Brigham, assistant secretary of agriculture under President McKinley, and

who died in 1840. Joel Goodell was a cousin of William Goodell, who was once the nominee of the abolitionists for President. Owing to the straitened circumstances of his father and the necessity of his providing for his own maintenance, L. E. Goodell's early education was decidedly limited. When he was eighteen years old he had never enjoyed more than twelve months of schooling all told, and that was intermittently had at the district school. At that age he entered a subscription school, which he attended for two years. He was graduated at the College of Physicians and Surgeons in Keokuk, Ia., in 1864, and in 1862 and 1863 was employed in the hospitals at Keokuk and St. Louis. He enlisted in Iowa for the Civil war, under the first call of the President for troops, but only one regiment was accepted from that state, and the company to which he belonged was disbanded. He again enlisted under the second call for volunteers, but was rejected because of the crippled condition of his feet. He was employed, however, for two years in hospitals. In Apr., 1857, long before he began the study of medicine, Mr. Goodell came to Nebraska, traveling on foot from Ft. Dodge, Ia., to Sioux City, without money or other assets except the cheap clothing he wore. Two days out from Ft. Dodge he fell in with an emigrant train and was very much gratified by the opportunity it offered him of earning his board on the trip by rendering such assistance as he might in helping the train across the streams it had to ford, and kindred services. Upon reaching the territory of Nebraska Mr. Goodell secured a claim of 320 acres. The land was located in Dixon county, and he became one of the proprietors of the town plat of North Bend. At that time the title of the Ponca Indians to that territory had just been extinguished and the lands had not yet been surveyed. Settlers staked off their claims in accordance with territorial laws governing the acquisition of land in that section. During his first year in the territory Mr. Goodell made considerable money, but lost it in the financial crash soon after. In the following year he joined the almost universal exodus of impoverished settlers from Dixon and Dakota counties. All who had no families, and many who had, left the country to seek new fields of industry. Of those who remained because they were unable to go away, many subsisted on wild game until the return of better times. Their inability to get away during that trying period of distress and poverty proved a great blessing to many of the now most wealthy and influential families of Dixon and Dakota counties in Nebraska and Woodbury county in Iowa. Dr. Goodell in after years often declared it to have been his greatest misfortune that he was among the single and foot-loose inhabitants of the afflicted counties, as it enabled him to leave the locality and the state, to which he did not return again for fourteen years. After having won his diploma in 1864, and having put in two years of active training at hospitals, Dr. Goodell spent five years in a country practice in Pilot Grove, Ia., and in May, 1871, he returned to Nebraska and settled in the southwest part of Saline county. He homesteaded a quarter-section of land upon which the town of Western is now located, opened the first store at that point, and became the village postmaster. That was several years before there were any railroads in that section. In 1876 he removed to Wilber, which has ever since been his home. From 1880 until 1892 he was engaged extensively in the live stock business, and since the latter date has followed closely his medical practice, in which he has been successful, although he is still raising and shipping cattle and hogs from his ranch in Lincoln county, Kan. He is now a man of large means, all of which he has accumulated in Nebraska except about $600 which he brought to the state with him the second time. He has always been a republican, has never sought any public preferment or desired any, but during the administration of President Cleveland was appointed pension examiner, an office which he still retains. He has been worshipful master of Blue Valley Lodge No. 64 and high priest of Palmer Chapter No. 31 in Masonry several times. He is also a member of Mt. Herman Commandery, Knights Templars, and of Sesostris Temple of Mystic Shriners at Lincoln. He belongs to no church organization. He was married Dec. 8, 1863, to Harriet Jones of Pilot Grove, Ia., who bore him three children: Alice, now Mrs. Millie, of De Witt, Neb.; Jessie, now Mrs. Jennings of Wilber; and Charles B., cashier of the Crete State bank.

GRIGGS, MARY T. KIRK, Nebraska pioneer, daughter of Nathan and Amelia Kirk, was born in Butler county, O., in 1821, and died at Lincoln, Neb., Jan. 29, 1904. Her father was of Scotch descent, and her mother a granddaughter of Robert Morris, who financed the Revolutionary war. Her parents removed to Clinton county, Ind., during her childhood, and her father was one of the first three settlers of that county. At the age of nineteen years she married Lucien D. Griggs,

a lawyer of Clinton county. Her husband died in 1848, leaving to her care their five children, four of whom are still living: Lewis T., and Mary L. Baker of Wyoming; Thomas J., Pawnee county, Neb.; and Nathan K., Lincoln, Neb. Mrs. Griggs migrated to Nebraska in the spring of 1867, going at once to Pawnee county, where her son Thomas J. had preceded her. Later she entered a homestead near Beatrice, which included the land embraced in the addition of Glenover. Upon this homestead

MARY T. KIRK GRIGGS

she resided until 1895, when she removed to Lincoln, and resided there until her death, Jan. 29, 1904. She was buried in the cemetery at Beatrice, the city where she so long lived, and to which she was attached by the strongest ties. Mrs. Griggs was of a decidedly heroic mold, perfectly fearless, of indomitable energy, yet very kindly. In addition to rearing her own children by her unaided efforts, she brought up three orphaned nieces, whose affection for her was as great as that of her own children. She enjoyed splendid health and took an active interest in affairs as late as the morning of the day on which she died. The descendants of Mrs. Griggs now living, aside from members of her own family, are twenty-one grandchildren and fifteen great-grandchildren.

GRIGGS, NATHAN KIRK, lawyer, poet, song-writer, and lecturer, Lincoln, Neb., was born in Frankfort, Ind., Oct. 25, 1844. His parents were Lucien D. and Mary T. Griggs, the one born near Hartford, Conn., in 1808, migrating to Indiana to engage in the practice of law; the other born in Butler county, O., in 1821, and brought by her parents to the Hoosier state when but a child. Of her parents, the father, Nathan Kirk, was a Scotchman, the mother, Amelia, a granddaughter of Robert Morris, the financier of Revolutionary fame. Her husband dying in 1848, the mother of N. K. Griggs moved into the country, a few miles out from Frankfort, there giving her four children a common school education, as also a full knowledge of farm life in all its simplicity yet helpful earnestness. Her son, Nathan K., after becoming a teacher at the age of seventeen and continuing in that vocation for a few terms, attended the law school of the University of Indiana, and, by taking a full two-years course in one, was graduated in the early spring of 1867. An older brother, Thomas J., having removed to Pawnee county, Neb., in 1866, the mother and Mr. Griggs followed the next spring, both stopping in the county named, the former ultimately homesteading the land now forming the Glenover addition to Beatrice. Later she removed with her son, N. K., to Lincoln, dying there Jan. 29, 1904. Mr. Griggs determined to settle in Beatrice, and walked there from Pawnee county, June 3, 1867, saying that his reason for doing so was that he intended to go in such a way that he could always get out at least in as aristocratic a fashion as he got in. Surcharged with energy and blessed with perfect health, he engaged in all sorts of work, alike manual and mental, finally, however, abandoning all else than the law because of the legal business shortly coming to him. His musical talent, supplemented by his social qualities, naturally made him a welcome addition to that frontier village, and he soon became one of the leading spirits of the place. From law to politics was, with him, but a step easily taken, and so immediate was his recognition that, almost at his first appearance among the politicians, he was chosen president of a state Republican convention, a position to which he was repeatedly subsequently called. In 1871 he was elected to the Nebraska constitutional convention, then, in 1872, to the state senate, and again, in 1874, reelected by the unparalleled

P. D. Quinn.

majority of 6,500, and then, in 1875, unanimously chosen president of the senate. In 1876 he was, without solicitation on his part, appointed by President Grant as consul to Germany, remaining such for six years. Returning to Beatrice, he resumed the law practice, and in 1890 was appointed attorney for the northwestern division of the C., B. & Q. R. R., a territory including western Nebraska, South Dakota, Wyoming, and Montana, which position he still holds. While ranking high in his profession, he is doubtless best known to the general public as a poet and composer, he having published much, alike in metrical and musical lines. His first collection, The Lilies, proving somewhat difficult, he shortly followed this with his Collection, a volume which has found much favor with the public. After these came six folios, Voices of the Winds, published by C. G. Roder, of Leipzig, and brought out in this country by Lyon & Healy of Chicago, of which folios the *Fine Arts Journal* of Chicago says:

"As to the music, there are love songs, sorrow songs, slumber songs, negro melodies, a fine collection of songs for basso, and altogether a splendid variety in style of the better class of music. One detects the Norwegian rhythm in some, the Russian in others, but perhaps, more than any other, there is a distinct German flavor, possibly due to some extent to his long residence in that land of song. In composition, one finds the most set forms in art, and again compositions somewhat venturesome in thought. The whole series have much value, and are works whose beauties and merits will continue to be better appreciated upon each rendition."

In addition to the foregoing, Mr. Griggs has two collections of sacred songs and anthems now in the press. Among the most important of his works are his volumes of poems, Lyrics of the Lariat, and Hell's Canyon, the one published by Revell, the other by Schulte, both of Chicago. Besides these, he has another volume of verse ready for print, to be called Waifs o' the Wilds.

As a poet Mr. Griggs is fairly entitled to a place in the front rank of western verse writers. We reproduce here his poem, "The Sod House Coming," because of its appropriateness, and because it is fairly illustrative of his general style:[1]

THE SOD HOUSE COMING

"The pioneer, on Western plain,
Requires more nerve and daring,
Than they who step to martial strain,
Or Valor's plumes are wearing;
For he may claim but walls of sod,
Tho' storms be wildly raving,
And Want full often plies the rod,
As Fate he's sternly braving;
And you, of love, when hours you while,
As cars go westward humming,
Fling out a kiss, and wing a smile,
When you see the sod house coming.

"The pioneer on boundless plain,
Has stirred the wilds to duty,
For deserts now bear golden grain,
And witch the eye with beauty;
And there, within the humble homes,
Diviner notes are ringing,
Than wake the aisles of stately domes,
When choirs are proudly singing;
And you, of pride, when hours you while
As cars go westward humming,
Bend low your heads, nor dare revile,
When you see the sod house coming.

"The pioneer, on treeless plain,
Should live in song and story,
And far across the rolling main,
Should speed his name of glory;
For never yet to peaceful strife,
Went forth more valiant foeman,
Nor ever yet, on field of life,
Has strived more sturdy yeoman;
And you, of fame, when hours you while,
As cars go westward humming,
Slow down your train, and lift your tile,
When you see the sod house coming."

[1]This poem was written by Mr. Griggs during a tour of the Burlington railroad lines by President C. E. Perkins, accompanied by his wife and a party of friends. Mrs. Perkins on this occasion took with her a large assortment of toys and picture books to distribute among the children whom she might chance to see on her journey. Observing these, Mr. Perkins dryly remarked that the engineer would have to go slow whenever he saw a sod house coming, referring to the fact that the gifts were intended for the children of the prairie, and hence opportunity should be given for their distribution. On such journeys it was the habit of Mrs. Perkins to take with her a "log book" for which a member of the party would be asked to contribute something pertaining to the trip. The article in this instance was requested of Mr. Griggs, and this poem was the response. The accompanying picture of a sod house is from a photo by B. J. Richards of the home of Frank Lance, Elsie, Perkins county, Neb., taken in May, 1900.

Mr. Griggs is broad-minded, widely traveled, well informed, of liberal views, and an active member of the Christian church. He has never tasted liquor, nor tobacco, nor smoked, nor played cards, nor sworn an oath. Being a fine conversationalist, he is, of course, a splendid companion. He was married Dec. 21, 1869, to Miss Epsie E. Saunders, of Delhi, Ia. They have three children, Nelly K., teacher in the conservatory of music of the Nebraska state university; Era E., a Gage county farmer; and Dorothy M., wife of Bert E. Buckmaster of Tacoma, Wash.

HACKER, JAMES MALCOM, deceased, was born Sept. 12, 1825, in Dayton, O., and died in Auburn, Neb., Jan. 25, 1902. He was a son of David and Catherine (Gile) Hacker, and was the oldest of six children. He received a common school education in the district schools of Fountain county, Ind., where his parents settled in 1829. He spent about nineteen years in Boone county, Ind., where he received an academic education and became a practical surveyor. In 1855 he settled in the southeastern part of Iowa where he remained until 1857; then he removed to Nebraska territory and settled in Brownville. The same year he moved to Nemaha City. He spent the summer of 1860 in Linn county, Kan., then went to Appanoose county, Ia., where he remained until Mar., 1863. Leaving Iowa he returned to Nemaha City, where he resided until his death in 1902. He was a public-spirited man, and although he spent most of his life upon a farm he took an active part in public affairs. He was a republican, and was county surveyor of Nemaha county from 1875 to 1880, when he resigned to become deputy county clerk. He was reelected surveyor in 1889 and served until 1897. He also served a term in this office as early as 1864–65. He held the office of county clerk for six years, 1868–73, inclusive. He was a member of the I. O. O. F. for fifty-five years; was also a Mason, having passed through all the degrees except the Scottish Rite. He was at one time a member of the Knights of Pythias and the Sons of Temperance. He was a member of the Methodist church from 1843 until his death. Mr. Hacker was married July 8, 1851, at Warsaw, Ind., to Mary Jane Fairbrother, and nine children were born to them, two dying in infancy and one in early youth: James O., section foreman on the B. & M. R. R. R., married Sarah Elizabeth Strain; George W. married Lucy J. Beardsley, and is engaged in mining in the Black Hills; William T., Auburn, Neb., organized and was the first county treasurer of Dundy county, Neb.; Charles R. married Elsie Hacker, and is serving his second term as county clerk of Nemaha county; Mary E., deceased, was the wife of Wesley H. Clark; Harvey D. married Maude Johnson, Ashby, Neb.

HALL, RICHARD SMITH, lawyer, Omaha, Neb., son of Augustus and Jane B. (Smith) Hall, was born in Batavia, N. Y., in Nov., 1855. His father, appointed chief justice of Nebraska by President Buchanan in 1858, at once moved to the territory with his family, and R. S. Hall began his education in the public schools of Bellevue. Later he attended Talbot Hall and Nebraska college, located at Nebraska City from 1867 to 1873, and finished his education with a course in the Washington University of Law at St. Louis, where he was graduated in 1877. He also read law in the office of George W. Doane in Omaha, and since 1877 he has been engaged in active practice in that city. He was associated for many years with John M. Thurston as a junior partner. He then formed a partnership with J. H. McCulloch and J. P. English under the firm name of Hall, McCulloch & English, which later became Hall & McCulloch. He subsequently became associated with John F. Stout, and the present style of the firm is Hall & Stout. Mr. Hall has been connected with much of the important litigation in Omaha and has acquired wealth and a name among leading lawyers. He represented the first mortgage bondholders in the foreclosure upon the U. P. R. R., involving over $80,000,000. He was retained in the litigation involving the Oregon Short Line; and in the celebrated suit to prevent forfeiture of the franchise of the Omaha Waterworks Co., he appeared as the representative of the stockholders. He was also interested, as counsel, in the settlement of the controversy over the Omaha fire and police commission in 1895, and has been engaged in much other important litigation. Mr. Hall is a republican, but has never been an office-seeker, all of his aspirations being confined to his profession, although he has served as a member of the board of education. He is a member of the Episcopal church, and has long been a vestryman of Trinity cathedral. In 1884 Mr. Hall was married to Florence Ware, daughter of Jasper A. and Ellen (Kinney) Ware, who was born at Nebraska City in 1863. They have four children: Richard Ware, born May 4, 1888; Dorothy, born July 6, 1891; Janet Ellen, born Nov. 30, 1892; and Jasper Landen, born Nov. 1, 1901.

P. W. Ware

HALL, CAPT. THOMAS FRANKLIN, Omaha, Neb., was born in East Dennis, Mass., June 23, 1841, and is a descendant of John Hall, who emigrated from Coventry, Warwickshire, Eng., in 1630, to Charlestown, Mass. He is a son of Capt. Christopher Hall, who was born in Dennis, Mar. 8, 1809. Capt. Christopher Hall was a master mariner of great ability, and was the owner of the ship Revenue, and part owner of several other vessels which he built. He assisted in starting the first salt mill in Boston, and was said to have acquired the largest fortune ever accumulated on Cape Cod, up to that period. He married his cousin, Betsey Hall Crowell, July 26, 1835. The latter was an especially brilliant woman, and was noted for her charitable works. She was a daughter of Captain David Crowell, and a descendant of John Crowe, who came over in the Mayflower. Thomas F. Hall is descended, upon his mother's side, from three persons, who came over in the Mayflower, viz., John Tilley and wife, and John Holland; and upon his father's side from Stephen Hopkins, who also came over in that vessel. He was educated in the common schools of his native village, and afterwards attended a boarding school for a year, and for six months was a student at Pierce's academy, Middleborough, Mass. When fifteen years of age he left school, shipped with Capt. Joshua Sears, on the Wild Hunter, for a voyage around the world, at a salary of $8 per month. His father died while he was away on this voyage. The Wild Hunter sailed from Boston in Mar., 1857, and rounding Cape Horn, touched San Francisco, and from the latter place crossed the Pacific to Singapore, India, thence to Akyab in Burmah, to Falmouth, Eng., and Aug., 1858, touched Bremer Haven, Ger.; then to New York city. In Apr., 1859, he shipped from Boston as third mate on the clipper ship, Belle of the West, under Capt. William F. Howes for another trip around the world, going first to San Francisco. From the latter place he crossed the Pacific to Melbourne, Australia, thence to Hong Kong, China; then to Manila, P. I.; then to Boston, Mass. In 1860 at the age of nineteen years, he shipped as chief mate on the Belle of the West for a voyage from Boston to Melbourne, Australia; Calcutta, India; Ceylon, India; Akyab, Burmah; and Falmouth, Eng. While the ship was lying in Falmouth harbor Mr. Hall almost lost his life in saving a boy from drowning. From thence went to Liverpool, Eng. During this voyage Captain Howes was taken sick, and came upon the deck but a short time during the entire trip, so that Mr. Hall was practically captain of the ship. From Liverpool he made another voyage to the East Indies in the same ship, going first to Milford Haven, Eng.; then to Calcutta; then to Boston. In 1862 Mr. Hall was offered command of the Belle of the West, by the managing owners, Glidden & Williams, but was forced to decline on account of ill health, contracted in Calcutta. This vessel was the handsomest, and perhaps the finest ship afloat at the time. She was afterwards sold in Shanghai, China. Mr. Hall spent six months in a sanitarium in Dansville, N. Y., then sailed as commander of the bark, Egypt, upon a long voyage, touching at several ports in South America, including Montevideo and Buenos Ayres, in Argentina, Callao and Chincha Islands, in Peru. His health again failed, and he was compelled to leave the ship in charge of another and return home. Mr. Hall has seen every continent, and traversed every sea but the Arctic; doubled Cape Horn three times, Cape of Good Hope four times, and crossed the equator twenty times. He was never shipwrecked, and never suffered any illness during his seafaring life until his last visit to Calcutta. In 1865, while enjoying his first real vacation since he was fifteen years of age, he was invited by an uncle, Prince S. Crowell, to accompany a party of railroad men to Iowa, among whom was John M. S. Williams, then treasurer of the U. P. R. R. Mr. Hall was accompanied by his brother, and this trip proved a great revelation to them. They decided to explore the western country to some extent, and arrived in Omaha in Mar., 1866. Mr. Hall was joined by his wife the following August, and has since resided in Omaha. He built his home that year, and engaged in business in partnership with his brother, Charles, who died suddenly in Oregon, in 1886, from heart trouble. The Hall Bros. erected the first foundry in Nebraska, imported the first ton of hard coal from Pittsburg, Pa., by steamboat, and with the exception of the U. P. shops, erected the first machine shop. They also engaged in lumbering on the Missouri river above Omaha and in the Black Hills of South Dakota. Later they had lumber contracts in Idaho and Oregon with the U. P. R. R. Co., during the construction of the Utah Northern in Idaho, and the Oregon Short Line through Idaho and Oregon. For several years they supplied the Anaconda mine in Butte, Mont., with mining timbers. After the death of his brother, Mr. Hall had similar contracts with the C., B. & Q. R. R. Co. in the Big Horn mountains in Wyoming, and constructed the first flume on

the east side of the Rocky mountains to convey timber through the canons. Mr. Hall has taken out several patents of a mechanical nature, two of which are quite popular, and he is now engaged in putting them upon the market, under the firm name of the Hall Distributor Co. In politics he has always been a republican, and in 1870 he was elected a member of the legislature from Douglas county. He was chairman of the committee on finance, ways and means, in the house of representatives, and in that capacity reported the facts upon which the impeachment proceedings against Gov. David Butler were instituted. He has served as a member and vice-president of the Omaha board of education, and in 1877 was appointed postmaster of Omaha by President Grant, which appointment was withdrawn at the request of Senator Hitchcock, during the last hour of President Grant's term, Mar. 4, 1877. A few days later, he was reappointed by President Hayes, and was again reappointed by President Garfield in Apr., 1881, and removed by President Arthur before the expiration of this latter term, on the request of Mr. Manderson, soon after the latter's election to the Senate in 1883. He was appointed post trader at Ft. Cameron, Utah territory, June 28, 1875, but before assuming the duties of the post, he resigned the appointment. Since 1883 Mr. Hall has taken no active part in politics, but has continued a stanch republican. He is affiliated with the First Congregational church of Omaha. He was married, Nov. 25, 1865, in West Yarmouth, Mass., to Amelia Jane Crowell, daughter of Zadock and Mercy Doane (Baker) Crowell. One daughter, Mary Elizabeth, was born to Mr. and Mrs. Hall, Aug. 11, 1874. She was married June 9, 1897, to Addison A. Arter, and they have one daughter, Dorothy Amelia, born June 29, 1899.

HARDING, AMOS JOSEPH, pioneer of Nebraska, now a resident of Chicago, was born on a farm near Iberia, in what is now Morrow county, O., and received his early education in a log schoolhouse in a country district. After his public school career he later attended, for two years, a small educational institution known as Ohio Central college. Mr. Harding is the eighth in descent from William Harding, who came from England in 1623 and settled at Weymouth Landing, Plymouth Colony. When Roger Williams was banished from Massachusetts he was followed by three grandsons of William Harding, one of whom, Stephen Harding, was the direct ancestor of Amos J. Harding. On the maternal side he is eighth in descent from William Story, who came from Norwich, Norfolk county, Eng., and settled at Ipswich, in Essex county, Massachusetts Colony, in 1634. Two of his great-grandfathers, Joseph Story and Nathaniel Kittredge, and two great-great-grandfathers, Benjamin Dows and William Low, were soldiers in the Revolutionary war. Five or six of his other direct ancestors are shown by authentic records to have served in the colonial wars against the Indians. In the course of their migration from New England westward, the Harding family first settled in the Wyoming valley, Pa., and one of them, Capt. Stephen Harding, had command of Wintermost Fort at the time of the Wyoming massacre in July, 1778, when several of the family were killed and a near relative, Frances Slocum, five years old, was carried off by the Indians. She remained in captivity, and her whereabouts were unknown by her surviving relatives for fifty years, when she was found living on an Indian reservation near Peru, Ind. She was then the widow of an Indian chief. She died about 1860, and a monument to her memory, erected by the Slocum and Harding families, was unveiled near Peru in 1901. All of Mr. Harding's American ancestors, embracing among others the names of Story, Dows, Kittredge, Hunt, French, Foster, Frost, Shedd, Jewett, Rogers, Tripp, and Slocum, came from England and settled in the Massachusetts colonies prior to 1660.

At the age of seventeen Mr. Harding left college and engaged in teaching for a short time. With the capital thus acquired, amounting to $140, he set out for Nebraska, landing in Nebraska City Apr. 28, 1857. He secured employment as a clerk in the general store of Hall & Baker, but admits now that he was not an unqualified success as a salesman of notions and dry goods, but he succeeded fairly well in selling farm machinery and general outfitting goods. He resigned this position after a few months. He was then employed by the receiver of the failed drug firm of Armstrong & Duncan as storekeeper. In this he secured a valuable experience, especially in the line of bookkeeping. For several years thereafter he made his headquarters with the law firm of Harding & Blackman, and when not otherwise employed studied law. Later on, under the direction of Mr. N. S. Harding, the first fire insurance agent in Nebraska, he took up insurance and found it greatly to his liking. In 1858 he went into the field as government surveyor under Charles W. Pierce and was able to render valuable serv-

ice to the government. During the greater part of 1859 he was in the employ of Hawke & Nuckolls, buying corn in eastern Nebraska and western Iowa. During this time he traveled extensively on horseback, covering the territory between Falls City, Neb., and Sioux City, Ia. He then engaged in the book and stationery and insurance business with N. S. Harding. When the Civil war broke out in 1861 the third name on the enlistment roll at Nebraska City was that of Amos J. Harding. When the roll of the company was full and it departed for Omaha to be mustered in, Mr. Harding was hovering between life and death with pneumonia, and later he was sent back to Ohio to die of "quick consumption." Contrary to expectations he recovered and was able to join his regiment, then in Missouri. He served two years as a private in the 1st Neb. Vols., and in 1863, by reason of having become familiar with military law and courts martial, he was placed on detached service and transferred to the department of military justice at the headquarters of the St. Louis district. Early in 1864 he was transferred by promotion to the 6th Mo. Cav. with the rank of first lieutenant and assigned to duty as district judge advocate on the staff of Gen. Clinton B. Fisk, serving until the spring of 1865, having for six months of the time added the duties of district provost marshal. In May, 1865, he accompanied General Fisk to Nashville and was assigned to duty as solicitor for freedmen's courts for the district of Kentucky and Tennessee. In this capacity he selected the proper officials and established courts at Memphis, Clarksville, and Chattanooga. He also established a court at Nashville, over which he presided for six months, having, so far as he can learn, held the first court ever held in Tennessee wherein a black man could testify against a white man. In Mar., 1865, he was promoted to the rank of captain. Tiring of army life, he resigned his commission in October and returned home.

Mr. Harding was raised an old line whig, but that party perished before he became a voter. In 1860 he was in sympathy with the Douglas democracy, but being a citizen of a territory he had no vote. In 1864, as a soldier in the Union army, he cast his first presidential vote for Abraham Lincoln, and from that time has acted with the Republican party. He was five times a delegate from Otoe county to territorial and state republican conventions, and in 1868 was a delegate to the Republican national convention. He never held but one political office and that was commissioner of registration in Otoe county, being appointed by Governor Butler. The emoluments of this office, if any there were, were so small as to have been forgotten. He is a member of George H. Thomas Post, G. A. R., of Chicago, of the Society of the Army of the Tennessee, of which he has been vice-president, and of the Illinois commandery of the Loyal Legion since the date of its organization. He belongs to the Union League club, of which he was one of the founders, the Masonic fraternity, and in early years was prominently connected with the Good Templar movement. He is not a member of any church, but is a regular attendant, and was for several years a trustee of the Third Presbyterian church of Chicago. On Dec. 20, while on military duty at St. Joseph, Mo., Mr. Harding was married to Miss Eliza Helen Cowden. Five children have been born to them: Lucien Eaton, graduate from Oberlin, class of '87, of Chicago College of Law, class of '89, and now a partner in the law firm of Bates & Harding, Chicago; Albert Dean, born in 1867, dying in infancy; Rachel Helen, born 1870, wife of Edward M. Ray, a business man of St. Joseph, Mo.; John Cowden, born in 1873, graduate of Princeton, class of '95, and now general adjuster for the Springfield Fire and Marine Insurance Co., western department, Chicago; Dwight Story, born in 1878, graduate of Princeton, class of '99, now in the insurance business in St. Joseph, Mo.

HARDING, NEHEMIAH STORY, pioneer and prominent man of business, Nebraska City, Neb., was born at Iberia, Morrow county, O., Feb. 12, 1831. Mr. Harding is of English descent; his ancestors were of Puritan stock and settled in Massachusetts in 1623. Several members of the family served in the Continental army during the Revolutionary war, and others have been prominent on the bench and before the bar. His father, Chauncey Harding, was a native of Pennsylvania, a worthy man of more than ordinary ability and intelligence. He was an executor and administrator of several large estates, and died in 1880, after a long and honorable career, at the age of seventy-two years. Rachael (Story) Harding, mother of N. S. Harding, was a native of Maine, a daughter of a Baptist minister, a woman of strong and lovely character, and greatly beloved by her six children. She died in 1868, aged sixty years. N. S. Harding acquired his early education in the common schools, supplemented by partial courses in the Marion (O.) academy and Central college in Franklin county.

He embarked in the mercantile business in Cincinnati in 1852 as a member of the firm of Wright & Harding, booksellers and stationers, at 131 Main St., from 1852 to 1855. He removed from Cincinnati, O., in 1855, and arrived in Nebraska City, Nebraska territory, Nov. 28, 1855, where he has ever since resided. He first served as deputy clerk of the United States district court for one year, and then became cashier of the Platte Valley bank, and agent for the Aetna Insurance company. He was the first insurance agent, and wrote the first policy in the then territory of Nebraska, in Aug., 1857. He early engaged in the book, stationery, and news business, which he followed for twenty-six years. He has served for thirty years as special agent for the Springfield Fire and Marine Insurance Co. of Massachusetts, and is believed to be the oldest insurance agent in the state of Nebraska. In politics Mr. Harding is a conservative democrat, and is entirely out of sympathy with the modern tendencies of the Democratic party. While taking an active interest in political affairs, he is not in any sense a politician, and has never been a seeker after political preferment and honors. He served as one of the first county commissioners of Otoe county, and as town clerk and member of the board of trustees. In 1875 he was named by the state legislature to secure a location for, and to build the institution for the blind in Nebraska City, Neb., and served as treasurer of the board of trustees during the years 1875–76, the board at the time being composed of Homan J. Walsh, George Crow, Samuel Manly, George W. Sroat, and N. S. Harding. Mr. Harding is a member of the Masonic order, Western Star Lodge No. 2, A. F. and A. M., of which he has been several times master. He is also a member of Frontier Lodge No. 3, I. O. O. F., and a member of the Nebraska Society, Sons of the American Revolution. He is a prominent member of the First Presbyterian church of Nebraska City, of which he has been an elder for about thirty years. Mr. Harding was married Aug. 4, 1853, in Cincinnati, O., to Miss Mary King Baldwin of Newark, O., who, two years later, accompanied her husband to the new home in Nebraska City, where she exercised a benign and gracious influence in the social life of the community until her death, Sept. 15, 1900, at the age of sixty-seven years. Ten children were born to Mr. and Mrs. Harding, six of whom are now living: Mrs. Charles S. Nash, St. Louis, Mo.; Mrs. Walter D. Hill, Beatrice, Neb.; Mrs. William N. Dekker, San Francisco, Cal.; Grace H., Mary R., and Willard S., all residents of Nebraska City. Mr. Harding has been an active and busy man during the half century of his residence in Nebraska, and has been an important figure in the business life of Nebraska City, where he is recognized as one of the progressive and influential citizens.

HARRINGTON, WELLINGTON, of Tekamah, Neb., son of Olney and Hannah Harrington,[1] was born in Milwaukee county, Wis., Mar. 18, 1839. He was educated in the schools of his native county and spent his early youth upon the parental farm. In 1855 he removed to Nebraska, settling in Burt county. When he arrived there was not a house in Burt county, although there were two under construction on the present site of Tekamah. He preempted a claim and began farming on his own account, and this has been his chief occupation ever since. He has achieved a splendid success financially and socially by virtue of industry and honest dealing with his fellows. He is a stockholder and director in the Burt County State bank at Tekamah, and interested in other lines of business. He is also one of the largest stock raisers in the county. During his manhood years he has been an uncompromising democrat and always foremost in the work of the party. His standing among his own people is measured by the fact that he has been seven times elected sheriff of Burt county, and has served one term as a member of the state legislature, 1883–84. In 1900 he was a delegate to the Democratic national convention at Kansas City and has been a delegate to nearly every county and state convention of his party since becoming a citizen of the state. Mr. Harrington is a Mason, holding membership with the lodge at Tekamah. He was married to Miss Frances, daughter of Robert Carr, of Burt county, who died after many years of happy married life. To them were born two daughters, Irma and Ellen, both making their home with their father. Mr. Harrington was again married, Oct. 28, 1903, to Hannah Fisher, daughter of Daniel Fisher.

HAWKE, GEORGE W., Nebraska City, Neb., was born near Malvern, Carroll county, O., Apr. 19, 1837. His father, William Hawke, was born in Dublin, Ire., in 1799, and came to this country with his parents when eleven years old. The Hawkes settled in Ohio and there William Hawke learned the brickmason's and blacksmith's trades. After-

[1] For biography of Olney Harrington see p. 357.

Robert Hawke

wards he engaged in the mercantile business and followed it continuously until 1842, when he removed to Atchison county, Mo., and made a home in the then new country upon the frontier. He laid the brick in the first brick building in Kanesville, now Council Bluffs, Ia. In 1849 he joined the gold hunters, and went to California, where he engaged in mining for two years, returning to the mercantile business, and remaining therein until his death in Jacksonville, Cal., in 1855. William Hawke married Eliza Farra, who was of Scotch descent, and who died in 1842, within thirty days after the arrival of herself and husband at the new home in Missouri. George Hawke received little education other than that learned in the woods. His mother died when he was a small boy, and his father was away from home much of the time, and as a result the son lived from place to place, spending much of his time hunting with the peaceful Indians. In this way he learned to speak fluently seven Indian dialects. In 1848 he was sent back to Ohio to make his home with an aged aunt and uncle, and there he received a smattering of school education, but spent most of his time milking cows and making a full hand on the farm. In Sept., 1856, deciding that he had worked long enough for his board and clothes, he set out again for the far West, determined to grow up with the country. He arrived at what is now Corning, Mo., and worked at odd jobs until the fall of that year, and then went to Fillmore, Nodaway county, and started to school. Six weeks later he returned to Corning for a vacation and accepted a position as clerk in a general store, and his school days were ended forever. In Sept., 1857, he took charge of a store for Hawke Bros. & Co., at St. Stephens, Neb. The firm was composed of Robert Hawke, J. F. Hawke, and F. M. Thompson. Jan. 1, 1858, he and his brother, J. F. Hawke, purchased the building and stock of Dillon, Ruland & Co., at Rockport, Mo., and enjoyed a successful business until Dec., 1859, when they moved their stock to Glenwood, Ia. Their business prospered, but in 1862 they removed to Nebraska City and consolidated their stock with that of Robert Hawke, and formed a partnership under the firm name of Robert Hawke & Co. Here they built up a splendid business, chiefly outfitting wagon trains westward bound. In 1872 George Hawke retired from the firm and engaged in farming and cattle raising until 1879, when he entered the employ of the Sycamore Marsh Harvester Co., with which company he remained until 1885, traveling all over the Northwest. When Robert Hawke's health failed George Hawke took charge of the business and managed it until the owner's death in 1887. Under the terms of the will George was made executor of Robert's estate, in which capacity he still continues. He is also engaged in the real estate and insurance business and has built up a splendid clientage. In 1886 he was appointed deputy internal revenue inspector under Simeon H. Calhoun and served until 1890, and was appointed again in 1893 by James E. North and served until the closing down of the Nebraska City distillery. Mr. Hawke has always been a democrat, but while active in the party has never sought political office. His business ability and integrity are evidenced by the fact that he has handled the finances of a number of fraternal orders for many years. May 24, 1859, he was married at Rockport, Mo., to Miss Sue Dozier, and to them twelve children were born: Cora, Leone, Lindley, Birdean, Jessie, Edna, Robert, Leta, Georgia, Farra, Nellie, and Dirwood. Mrs. Hawke died Mar. 14, 1896, at the age of fifty-three years.

HAWKE, ROBERT, Nebraska pioneer, and prominent as a merchant and banker, was born near Waynesburg, O., Jan. 25, 1826, died at Nebraska City, Neb., May 2, 1887. He received his early education in the school at his birthplace, and in May, 1842, when he was sixteen years of age, his parents, William and Eliza (Farra) Hawke, became residents of Atchison county, Mo. That year his mother died, leaving him the eldest of nine children and the youngest one an infant a few months old. Realizing the difficulty of caring for such a large family properly, the father sent Robert and the four younger children back to his old home in Ohio, to be cared for by an uncle and aunt residing there. Robert, then in his seventeenth year, was apprenticed to a blacksmith, and spent two years in learning the trade, receiving in the meantime small wages. He had the privilege of only occasional attendance at school, but studied diligently at nights and during spare hours. For a few years he continued at his trade as a blacksmith, selling his shop in 1848. The same year he invested his savings and the proceeds of the sale of his shop in a stock of general merchandise, and opened a store at Hemmes Landing, Mo. This venture was successful, and within a short time W. E. Dillon was taken in as a partner, and a branch store was opened at Rockport, Mo., Mr. Hawke continuing as manager of the Hemmes Landing business. In Mar., 1859, Mr. Hawke

sold his stock at Hemmes Landing, and bought an entire new stock of goods for Nebraska City, Neb., and formed a partnership with S. F. Nuckolls. They suffered a heavy loss from the fire which destroyed the greater part of the town, May 12, 1860, and Mr. Hawke went to Georgetown, Col., where the firm had started a branch store. He remained there for two years, then returned to Nebraska City, and with his brothers, Jacob and George Hawke, started in business again under the name of Robert Hawke & Co. His business ventures were always successful, due to his careful and conservative management. For many years he was a partner of Mr. Dillon, and they were the principal owners of the packing house at east Nebraska City, conducted by Hawke, Dillon & Co. Mr. Hawke continued in business until Feb. 24, 1887, when fire for the second time destroyed his building and stock of merchandise. At this fire he caught cold which brought on a severe attack of rheumatism, resulting in his death a few months later. Mr. Hawke was active, enterprising, and always progressive. He was one of the organizers of the Farmers' bank of Nebraska City, and its vice-president for many years. In politics he was a democrat. In 1869 he was a member of the Nebraska City council; he also was a member of the Nebraska state senate during the stormy session of 1870–71, when Gov. David Butler was impeached, and voted for his conviction. He was frequently urged to accept nominations for other political offices, but always declined. He was foremost in projects for the advancement of Nebraska City, and by his direct efforts accomplished much in that way. He was a man of strong character and sound judgment in business affairs, with great tenacity of purpose, never having the word "discouragement" in his vocabulary, and was of plain and simple manners. He never belonged to any religious denomination, but gave freely to all. His liberal works of charity were quietly done. Mr. Hawke was married Apr. 2, 1848, to Miss Elizabeth A. Hemme, of Holt county, Mo. She was a woman of fine character, and admired by all who were so fortunate as to know her. She died at Nebraska City, Mar. 21, 1885. Mr. and Mrs. Hawke were the parents of four children, namely: William Hawke, a prominent resident of Nebraska City; Ella C., wife of Frank D. Spencer of Nebraska City; Lulu B., wife of William Rector of Omaha; and Minnie, who was the wife of Charles S. Scoville of Chicago, and died July 14, 1901.

HAYWARD, MONROE LELAND, Nebraska pioneer, lawyer, and United States senator, was born in Willsboro, Essex county, N. Y., Dec. 22, 1840; died in Nebraska City, Neb., Dec. 5, 1899. Of his paternal antecedents little is known other than that they were farmers, and for some generations residents of New England. Some members of the family became prominent as manufacturers and general business men in the eastern states. His father was William J. Hayward, and his mother, in maidenhood Betsey Leland, was one of the old family of Lelands of New York state, members of which were American soldiers during the war of the Revolution, and in later generations noted as hotel managers. The youthful days of Monroe L. Hayward were spent mainly on his father's farm. He had a common school education, and attended private schools at intervals. Some months before he reached his majority, early in 1861, he enlisted in the 22d Regt. N. Y. Vol. Inf. During October of the same year he was transferred to the 5th N. Y. Cav. He saw active service in the valley of the Shenandoah during the spring and summer of 1862, did special courier service for General Banks, and participated in the battles of the Banks-Jackson campaign. The hardships of military life caused his health to break down, and in the autumn of 1862 he was honorably discharged from the army, and returned to civil life. Of this period in his career, J. Sterling Morton said in the *Conservative:* "Then commenced the struggle for the completion of his education, and he also entered upon the study of law. By teaching district schools and by manual labor he subsisted himself and became a student at Ft. Edward institute, remaining until he was graduated with honor. He worked his way through college by teaching mathematics, by bookkeeping, and by strenuous efforts, manual and mental. Self-reliance and self-denial made him sturdy and efficient. Directly after graduating he began, at Ft. Edward, N. Y., in the office of Judge Wait, to read law. He subsequently completed his legal studies at Whitewater, Wis., and was admitted to the bar in 1867. Then he settled permanently at Nebraska City." In his address of eulogy on Mr. Hayward delivered before the United States Senate, Mar. 10, 1900, John M. Thurston said: "He was a brave man in every sense of the word. Brave in battle, brave in the search of knowledge, brave in the performance of his daily tasks, brave in the pursuit of honorable preferment, brave in the performance of all official duties,

Western Fu[illegible]

M. L. Heymond

and brave in the living of an earnest Christian life. Mr. Hayward won a high place at the bar of my state and ranked with the foremost of its practitioners. From the first he established himself in the confidence of the courts, without which no lawyer can ever reach the highest measure of success. His whole life is a shining example to those who knew him and those who come after him; and who does not believe that after a life so worthily lived, after a career so honorably rounded, he has not exchanged the perishable laurel of an earthly triumph for the deathless diadem of an immortal crown?"

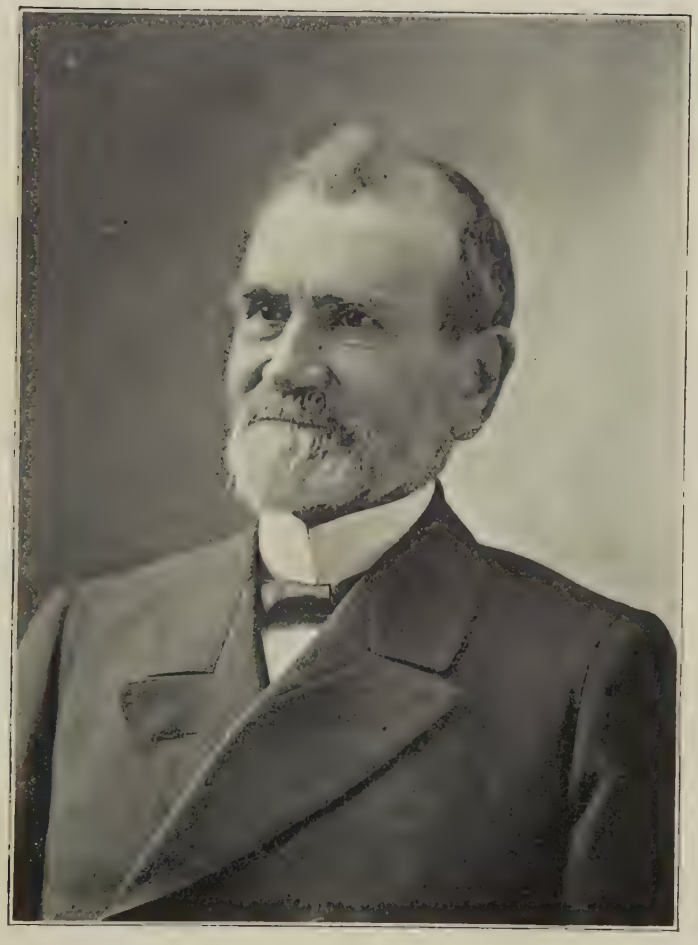
For many years, Mr. Hayward was a member of the board of education of Nebraska City. In 1875 he was a delegate to the state constitutional convention, and was several times chairman of Republican state conventions. He was chosen by the Republican party as its candidate for the office of governor in 1898. He made an able and effective canvass, speaking in nearly every organized county in the state. He was defeated by William A. Poynter. He at once became a candidate for the office of United States senator, and after an unusually long and bitter contest was elected by the legislature of 1899. The work of the hard campaign did much to undermine his health, and he died before the oath of office was administered to him. The announcement of his death was received with sorrow throughout the state. After many years of faithful work, as a lawyer of honor and ability, as a judge on the district bench, as a good citizen, and as a man whose "hearthstone was always the altar of his sacred worship," it was believed by all who knew him that he was about to enter upon a still greater field of usefulness. Resolutions of respect were passed by both the Senate and the House of Representatives, and numerous addresses were delivered upon his life and character. The bar of Otoe county also passed resolutions of respect and condolence. Mr. Hayward was a member of William Baumer Post, G. A. R., of Nebraska City, from the time of its organization. He was married June 14, 1870, to Jennie A. Pelton, daughter of Edwin A. and Almira (Clark) Pelton, natives of Connecticut. His widow and two of his three children survive him. The children are Edwin Pelton Hayward, born in Nebraska City, May 29, 1872, a physician and surgeon, who served in the United States army during the Spanish-American war, at Chickamauga, Santiago, China, and the Philippine Islands, and who died at Nebraska City, Neb., Mar. 13, 1905; Martha Leland Hayward, born in Cold Springs, N. Y., Sept. 14, 1875; and William Hayward, born in Nebraska City, Apr. 29, 1877. The latter was a captain in the 2d Regt. Neb. Vol. Inf. during the Spanish-American war, and later was elected colonel of the 2d Regt. N. N. G. He was elected county judge of Otoe county, in 1901, and served one term.

HENRY, ROBERT HENRY, of Columbus was born in Schuyler county, N. Y., May 26, 1842, and died Feb. 1, 1900. While he was still young, his parents removed to Dane county, Wis., where they lived until 1867. In Aug., 1861, shortly after his nineteenth birthday, he enlisted in Co. B, 11th Regt., Wis. Vol. Inf. At the end of his term of service he again enlisted in Feb., 1863, for three years, in the same regiment. He served with that regiment until Sept., 1864, when he was commissioned 2d Lieut. in the 42d Wis. Vol. Inf., and was soon afterward promoted to be first lieutenant. In this office he served until June, 1865, actively participating in many of the important engagements. In 1867 Mr. Henry settled at Omaha, where he was engaged in the farm implement business for five years. In 1872 he removed to Columbus, where he added the grocery business to his implement trade, and continued in this business until his death. He served as county commissioner of Platte county, as mayor of the city of Columbus, as a member of the board of education of the school district, and as president of the state board of agriculture. He was also vice-president of the Columbus State bank, held all the positions at the disposal of the local Masonic organization at various times, and in 1898 was elected grand high priest of the Royal Arch Masons of the state of Nebraska. On Feb. 22, 1870, at Fitchburg, Dane county, Wis., he was married to Miss Mary L. Adams, a native of that place, who survives him. They have three living children, Walter B., Mary, and Robert. One child, Herbert, died in early youth

HILGENKAMP, WILLIAM, Arlington, capitalist and farmer of Washington county, was born in Prussia, near the town of Herford, July 12, 1838, son of Hermann Hilgenkamp, a well-to-do farmer. He was educated in the schools of his native country, and while still in his teens he came to America, and in 1859 settled on a homestead in Lincoln township, Washington county, Neb. There he commenced farming, introducing into his work the most improved methods, making a careful study of the soil and the crops it was

best adapted for, and from the commencement was successful. He invested his profits in additional land, until in 1901 he was the owner of 2,200 acres in Washington county, 1,800 acres of which is in one body, in the highest state of cultivation, and equipped with buildings and all conveniences for carrying on farming in the most economical manner. Besides his large land holdings, Mr. Hilgenkamp is the owner of valuable property in the town of Arlington, and has interests in various business enterprises. He is an enthusiastic breeder of Hereford cattle, and has one of the finest herds in the state. He also gives attention to raising and fattening hogs and cattle for the market. From the beginning he has had no outside assistance, and his success is owing to his industry, economy, and good judgment. He has taken such interest in politics as he believes is the duty of every good American citizen, and has always been a republican. He is a member of the Masonic order, and belongs to A. F. & A. M. Lodge No. 52, of Arlington, Neb. He was married Jan. 19, 1864, to Caroline, daughter of Henry and Catherine Wilkiening of Washington county, pioneers who came from Quincy, Ill., at the time that Fontenelle was founded in 1855. Mr. and Mrs. Hilgenkamp have had nine children, namely: Louisa Maria, born Feb. 6, 1865, now the wife of John Echtenkamp of Washington county; Herman Heinrich, born Dec. 14, 1866, and died Sept. 17, 1876; Anna Frederick, born Nov. 15, 1870, wife of George Kneght; Anna Wilhelmnie, born Feb. 20, 1869, died Oct. 22, 1869, Louisa Catherine Frederike, born Dec. 27, 1872, died Apr. 23, 1886; Minnie Maria, born Oct. 30, 1874, wife of Theodore Rinas; Emma Henrietta, born Aug. 30, 1876; Anna Maria Caroline, born Jan. 12, 1879, and Ida Emilie Sophia, born July 8, 1882. The three last named are at home. Mr. Hilgenkamp's family are members of the German Lutheran church.

HOAGLAND, GEORGE A., Omaha, Neb., who established the first wholesale lumber business in Omaha, and laid the foundations of a great wholesale trade in that commodity, was born in Boonville, Mo., May 20, 1843, where he lived until he was nine years old. His father, George T. Hoagland, was a native of New Jersey. His mother was Nancy A. Gale, who was born in Massachusetts. In 1852 the parents removed to St. Joseph, Mo., where the elder Hoagland engaged in the lumber business. George A. attended the public schools of that city, after which he attended a college at Liberty, Mo., for one year. In the spring of 1861 George T. Hoagland established a lumber yard in Omaha in partnership with George Bebbington, the firm name being George T. Hoagland & Co. The initial stock comprised a few cars of lumber which was offered for sale upon the present site of the Millard hotel, the northeast corner of 13th and Douglas Sts. During the following summer George A. Hoagland moved up from St. Joseph, and became a clerk for the firm. He soon showed marked aptitude for the business; and in 1865 he and his father acquired the interests of Mr. Bebbington in the yards, the firm being known thereafter as George T. Hoagland & Son, George A. Hoagland becoming manager and resident partner. At that time building was active in Omaha, and the U. P. R. R. was also in process of construction, and Mr. Hoagland was often called upon to supply large quantities of lumber for that purpose. Supplies were landed at Omaha by river steamboats, and carried to the point of consumption by team, purchasers coming with wagons from the settlements as far as 200 miles. In 1871, or the following year, Mr. Hoagland determined to establish at Omaha a distributing center for lumber. By 1874 he was able to purchase the interests of his father in the business and to continue it as sole proprietor. His success was uninterrupted until the great flood in 1881 swept away or destroyed about $20,000 worth of his stock. As new communities grew up Mr. Hoagland established branch yards to supply their needs, and now maintains business establishments in most of the important towns of the state. He also has the principal yard in Council Bluffs, Ia. A capital of $750,000 is required for this great business. Mr. Hoagland has always been a democrat, but in 1896, disagreeing with the financial plank of the Chicago platform, he affiliated with the gold democrats. He has always been a partisan purely on principle, and has never cared for party preferment. On May 22, 1864, Mr. Hoagland was married to Ianthe C. Wyman, daughter of William W. Wyman, at one time a prominent Omaha journalist. Seven children have been born to them, of whom four survive: Laura, now the wife of Dr. John E. Summers, Jr.; William; Paul; and Helen. Mrs. Hoagland was the organizer of the Emma flower mission and is an energetic worker and liberal contributor in philanthropic work in Omaha. The family for many years occupied a sightly and commodious home at the northwest corner of 16th and Howard Sts., which was



J. J. Hochstetler

removed in 1904 to make way for a modern business block.

HOCHSTETLER, JACOB J., deceased, pioneer of Nebraska City, Neb., was born in Holmes county, O., near the town of Shanesville, Sept. 3, 1827, and died at Nebraska City, Neb., June 7, 1905. He was a son of Jacob and Frances (Miller) Hochstetler, both natives of Pennsylvania and of German ancestry. Jacob Hochstetler, Sr., while a young man, became a resident of Ohio, where as a laborer he at first received only twenty-five cents a day. His wages steadily increased and by constant work and economy he was able to save enough to buy a small tract of land. This he cleared of its virgin growth of timber, built a log cabin, married, and lived there until 1856, when he removed to Indiana, where he and his wife spent the remainder of their days. They were the parents of six children, two of whom survive, the living ones being Josiah J. and Elizabeth. Sarah Jane, the youngest child, died at the age of ten years; Elias J., the eldest, lost his life fighting in the Union army in 1862; and John J., the second child, died in 1887. All the children were born on the old Ohio homestead. Jacob J. Hochstetler remained at home assisting in work on the farm and attending school until he was twenty years old. Then he began to learn the trade of carpenter and builder, which occupied his attention for nearly two years, when he abandoned it for the mercantile business, and became a clerk in a general store at Bedford, O., and later occupied a similar position at Louisville, O. As a clerk he received the first year $5 a month and his board, and then $12 a month and board. By 1851 he had saved enough out of his earnings to engage in the general mercantile business at Bedford, O., in partnership with George H. Burgert. A year later they disposed of this business. On Sept. 8, 1853, Mr. Hochstetler was married to Miss Lucinda Burgert, sister of his former partner, and a native of Ohio. The day after his marriage he went to Worthington, Ind., and there engaged in the mercantile business, and soon after established a branch store at Stockton, in the same state. In 1854 he removed to Stockton, and managed the store until the spring of 1856, when he disposed of his business and in the spring of 1857 started for Nebraska. From Terre Haute he went by railway to St. Louis, accompanied by his wife and their three-months-old son, Charles. From St. Louis they ascended the Missouri river by steamboat, and after a trip of ten days arrived at Nebraska City, Apr. 17, 1857, in a furious snow storm, a rare thing at that time of the year. The territory was sparsely settled, having not more than 1,500 white population, with numerous roving bands of Indians. Wild animals were frequently killed at that time in what is now the thickly settled part of the city. Mr. Hochstetler became a clerk for Samuel W. Burnham who came from Terre Haute with Mr. Hochstetler, bringing a large stock of dry goods, with which he furnished a store in a wooden building which stood on the site of the present Burlington roundhouse. In the following June in company with William Dorsey, James Daily, and others, he went twenty-three miles west of the city, and settled on land on one of the branches of the Little Nemaha river. On his quarter-section Mr. Hochstetler built a log cabin, and had some breaking done for which he paid $5 an acre. He returned to Nebraska City, which was looked upon as the coming great city west of the Missouri river, and bought some town lots, paying for them from $250 to $750 each, a price in excess of their present value. He bought a settler's right to a claim of 160 acres of land a short distance south of the city, paying the claimant $2,700. He preempted this land after disposing of his improvements on the Little Nemaha river tract, and still owned it at the time of his death. In the fall of 1857 he entered the boot and shoe business, which he continued until 1861, when he was appointed postmaster of Nebraska City, an office he held continuously until 1871. He then engaged in manufacturing and selling agricultural implements, later was in the real estate business, and for four years was in the cattle business in western Nebraska. For the last twenty years of his life he was engaged in the insurance business in company with Mr. N. S. Harding. Mr. Hochstetler is the father of four children, three of whom are living, viz.: Charles E., engaged in the life and accident insurance business in Kansas City; Frank B., one of the stockholders in the Rector-Wilhelmy Hardware Co. of Omaha; and Clarence L., who is associated with his brother in the insurance business in Kansas City. Elsie C. died when eight months old. In 1858 Mr. Hochstetler built the residence in which he lived up to the time of his death, June 7, 1905.

HOLT, JOHN WHITE, president of the First National bank of Falls City, Neb., was born in Boone county, Mo., Nov. 17, 1834. His father, David R. Holt, was born in Ten-

nessee, Nov. 8, 1803, and was among the pioneer settlers in Boone county, Mo. He died at Jefferson City, while a member of the Missouri state legislature, Dec. 6, 1840. His mother, Isabella White, was born in Washington county, Va., Nov. 12, 1806, and belonged to one of the old families of that state. She died at the home of her son in Salem, Neb., Apr. 20, 1869, at the age of sixty-three years. All his school education was acquired in the primitive "subscription school" in the neighborhood of his home. When he was six years old, his father died, and by the time he was sixteen he had the care of his mother and family. At the age of nineteen he became a member of the general merchandise firm of Gilmore, Holt & Co. at Fillmore, Mo. In 1857 he sold his interest in the business and went to Salem, Neb., where he formed a partnership with J. C. Lincoln, a second cousin of Abraham Lincoln, under the firm name of Lincoln & Holt. They engaged in general merchandising, and built the first elevator at Salem. In 1872, on account of failing health resulting from overwork, Mr. Holt disposed of his interest in the firm to Mr. Lincoln, and engaged in the live stock business, which he carried on successfully until 1878, when he was elected to the office of county treasurer of Richardson county. At the expiration of his first term in this office he was reelected, and served the second term. In 1882, upon his retirement from the office, he was elected vice-president of the First National bank of Falls City, of which he was one of the organizers and stockholders. Later he was acting cashier for one year, and after that vice-president until in 1897 he was elected to the office of president, which he still holds. From the time he was chosen as vice-president he has been active in the management of the bank, and much of its success is attributable to his efficient care. He is an enthusiastic stockman, and has given much of his time and attention to the breeding of fine cattle, especially the shorthorn variety, and to Berkshire hogs. Besides his banking interests and his farm, he has other properties in Richardson and neighboring counties. The spirit of self-reliance implanted in him by his early responsibilities has been invaluable in his business career. He has always been a democrat, and in 1876 was elected to the Nebraska senate. He is a member of the Methodist Episcopal church, and is a Mason of the Knights Templar degree. Mr. Holt has been married four times. His first wife, to whom he was married on Sept. 11, 1855, was Mrs. Caroline Atkins of Andrew county, Mo., and to them one daughter was born, Carrie H., now the wife of Mr. Edward B. Loughridge, of Lincoln, Neb. His second wife was Albina Spence of Andrew county, Mo., whom he married on Aug. 24, 1859. She became the mother of one child who died in infancy. On May 8, 1863, he was married to Ellen Oliver, of Salem, who bore him two children, now deceased. On Nov. 8, 1869, he was again married to Amanda M. Oliver of Salem, Neb., and four children were born to them, two of whom are living, namely: George Brooke Holt, a shoe merchant of Falls City, and William Robinson Holt, a stockman of Richardson county.

HOOVER, JOHNSON P., Nebraska pioneer, was born in Fulton county, Ind., Aug. 27, 1837, and died in Nemaha, Neb., Nov. 24, 1900. He was a son of Dr. Jerome and Ann (Prill) Hoover, was educated in the public schools, and at the age of eighteen years, with other members of his father's family, settled in Nemaha county, Neb. The country at that time was in its frontier state, settlements were few, and Indians more plentiful than white men. His first work was running a ferry across the Nemaha river, which he continued from 1855 until 1858. He then settled on a homestead about six miles west from the town of Nemaha. In 1865 he went into the drug business at Nemaha, and after about seven years sold it, and again resumed farming, having acquired a fine farm about a mile from the town. He gave particular attention to stock raising, and was one of the first to engage in the breeding of blooded cattle and hogs, in which he was highly successful. In 1882 he went to Oregon, and later spent some time in what was then Washington territory. He was inclined to engage in the lumber business at Walla Walla in an extensive way, but the climate did not agree with his health, and after two years he returned to his Nebraska farm. He was a man of great energy and enterprise, a life-long republican, a member of the Episcopal church, and was active in charitable and philanthropic work. He was married May 15, 1861, to Miss Hulda, the daughter of Garrison and Celia (Cumming) Pavey of Nemaha. Eight children were born to them, only one of whom is living—Harry Guy Hoover, who resides with his widowed mother and looks after the property left by his father to his mother and himself. The Hoover homestead farm is one of the best improved in the vicinity of Nemaha. Besides the farm Mr. Hoover was the owner of much other valuable property.

HORBACH, JOHN ABRAHAM, deceased, was born near Greensburgh, Westmoreland county, Pa., Nov. 9, 1831, and died Nov. 26, 1901. He was a son of Abraham Horbach, a prosperous farmer, and Catherine (Lobengier) Horbach. John A. Horbach acquired his early education in the public schools of his native county, and later attended Greensburgh (Pa.) college. He was married at Allegheny, Pa., on Dec. 12, 1854, to Miss Sarah Wallace, and later they moved to Omaha, Neb., Apr. 4, 1856. For three years Mr. Horbach was a clerk in the United States land office at Omaha, which he opened before the arrival of his superior, Col. A. D. Gilmore. Later he opened the land office at Brownville. He left this to engage in the forwarding and commission business in Omaha, one of the important points for the transfer of freight destined for the interior, from the steamboat to the wagon train. Soon after his arrival in Omaha Mr. Horbach entered a claim of 160 acres of land lying immediately north of the first city limits. Later, with the growth of the city, he platted this land as Horbach's 1st and 2d additions to Omaha. These additions embraced Nicholas St., extending a quarter of a mile north, and from 24th St. on the west to a point near 11th St. on the east. In 1866 and 1867 Mr. Horbach was local agent for the Merchants' Union Express Co., which was succeeded by the American Express Co. With the organization of the O. & N. W. R. R. Co. he became a stockholder, and was elected vice-president and general manager. He held this position until the absorption of the company by the C., St. P., M. & O. Ry. Co. in 1880. Mr. Horbach was never active in political affairs, but was a member of the city council of Omaha in 1870 and 1871. When the construction of a system of city waterworks was under consideration, he was a member of the committee selected by the council to visit eastern cities to examine and report upon the systems then in vogue. In 1888 he was a stockholder in the Omaha Motor Railway Co. He was one of the organizers of the Omaha & Grant Smelting Co., now the American Smelting and Refining Co. Beginning with 1874, he became largely interested in the cattle business in the West, at one time having large holdings in southwestern Kansas. Prior to his death, however, his cattle interests were centered in Wyoming, in the Big Horn basin, where he was at the time of his death, Nov. 26, 1901. During his early career in Omaha Mr. Horbach was a member of the volunteer fire department. He was at one time a director of the Merchants' National bank before its reorganization under the present name. Two children, a son and a daughter, were born to Mr. and Mrs. Horbach: Paul W., now residing in New York city, and Mary F., widow of Capt. John G. Bourke, U. S. army. The old Horbach residence at the corner of 17th and Douglas Sts. was one of Omaha's landmarks, but has now been removed to give place to a business block.

HUMPHREY, OLIVER NORRIS,[1] one of the pioneer freighters across the Nebraska plains, was born in Richfield, O., Nov. 26, 1840, son of Norris and Julia Case Humphrey. He was educated in the common schools and the Richfield academy; removed to Nebraska in 1859 and with his brother Austin located upon a farm about six miles south of Nebraska City; in 1862 enlisted in the 2d Regt., Neb. Cav., served under General Sully against the Indians in Dakota, Montana, and Wyoming; discharged Dec. 10, 1863. From the spring of 1864 until the fall of 1866 he was engaged in carrying freight across the plains from Nebraska City to Cottonwood Springs, Cheyenne, Julesburg, Denver, and other mountain points, at the close of this period employing in the business two trains. The entire trips, which usually required from two to three months' time, were through a territory without inhabitants or roads, across streams without bridges in a country infested with warlike Indians, and were attended by a great deal of privation and danger. Mr. Humphrey possessed in the highest degree the requisite qualities for the life of a freighter—great physical endurance, indomitable energy and courage, and good executive ability. By 1866 the U. P. R. R. began to encroach upon the wagon freighting business, and then Mr. Humphrey, with his brothers Austin and Decius and a Mr. Fox, started a commission business in Nebraska City, under the firm name of Fox & Humphreys, which was continued until Aug., 1867. Then Norris and Austin opened a commission business under the name of Humphrey Bros., along the line of the U. P. R. R., following up the base of supplies as the construction of the road advanced into Wyoming and Utah. Their principal locations were Cheyenne, Laramie, Ft. Benton, and Bear River. The firm dealt in all supplies required by the construction parties, and under difficulties, often with improvised corrals as substitutes for storerooms. This business came

[1] For portrait of O. N. Humphrey see p. 106.

to an end with the completion of the U. P. R. R. in the fall of 1868. In Feb., 1869, O. N. Humphrey, Austin Humphrey, Dr. H. D. Gilbert, and E. S. Hawley, under the firm name of Humphrey, Gilbert & Co., began to deal in drugs, hardware, and agricultural implements at the corner of 9th and O Sts., Lincoln, and O. N. Humphrey then removed to Lincoln and entered into the active management of the business of the firm. In 1870 he and his brother Austin purchased the interests of Gilbert and Hawley, dropped the drug part of the enterprise, and continued the hardware and implement business under the firm name of Humphrey Bros. The concern was subsequently incorporated under the name of Humphrey Bros. Hardware Co. with O. N. Humphrey as the principal stockholder and manager, and it continued until his death, Apr. 28, 1901. Shortly after removing to Lincoln he was married to Miss Abby Nellis who, with his son, Fred B. Humphrey, survives him. Mr. Humphrey's business career was uniformly successful. The industry and privations of a successful freighter were rewarded with substantial profits. Under his conservative and careful management the Humphrey Bros. Hardware Co. was always the leader in its line of business in Lincoln, and was one of the most substantial business houses of the state. He had a fixed reputation as a man of high character and strict business integrity, which he guarded with extreme sensitiveness. He was public-spirited, and was prominently identified with many commendable public enterprises, both local and state. Regardless of personal interests he was fearless in his advocacy of what he thought was right and in condemnation of what he thought was wrong. In politics, Mr. Humphrey was a republican until 1896, when he joined the Bryan free-silver movement, as a "silver republican," and to the time of his death was a prominent leader of that party in the state. As a delegate to the Kansas City national convention he advocated the nomination of Charles A. Towne for Vice-President on the ticket with Mr. Bryan. In an address delivered at Mr. Humphrey's funeral services, Mr. Bryan said:

"He was my friend—loyal, constant, and devoted. I reciprocated his affection, and felt complimented that one of his years, high character, and pure life should be my friend. To stand by his grave and testify to his integrity, his conscientiousness, his steadfastness and his moral worth is a sad and melancholy duty. He was trusted by all who knew him and loved by those who became intimately acquainted with him."

ILER, PETER ERVIN, was born at Wooster, O., Feb. 10, 1840. His father was Conrad Iler, a well-to-do farmer, and his mother, Julia Strine, daughter of a prominent family of that section. His early education was acquired in the common schools of his native city, and his collegiate training at Skyler college, Republic, O. Mr. Iler began active life in a humble but lucrative business, conducting a wholesale peddling wagon through Ohio, at which he continued for about twelve years. While thus employed he fulfilled a contract with the government for the supply of the 1st O. Regt. with rations. He removed to Nebraska in 1866, settling at Omaha, where he has ever since resided. After his arrival here, in partnership with Joseph D. Iler, Marsh Kennedy, James G. Megeath, and Samuel D. Megeath, he established the Willow Springs distillery, and in 1872 the Willow Springs Distillery Co. was organized under his management, jointly with Henry Suessenbach. For twenty years this institution did an extensive business in the manufacture of spirits and the feeding of stock. In the early '90s this organization became a member of the whisky trust, and its operation was suspended. Mr. Iler was one of the original incorporators of the Union Stock Yards Co., in the new pork and beef packing center of South Omaha. He was a member of the first board of directors of the company, which began with an authorized capital of $1,000,000 and a subscription of $700,000. He was also a heavy holder of stock in the Union Stock Yards bank and the railroad company of the same name, and one of the men who organized the South Omaha Land syndicate for the development of its growth as a city. Mr. Iler's zeal in advancing the interests of Omaha was manifested when it was proposed, in the winter of 1898, to hold in Omaha a second exposition. He was an ardent advocate of the venture, contributed heavily toward its promotion, and for many months pushed it with his characteristic energy. A short time before the date of the opening of the exposition, however, his health became impaired, and for a time his life was despaired of, and as a consequence some of the great attractions which he had planned for the exposition were abandoned. Mr. Iler has large holdings of Omaha realty, and South 16th St. in the vicinity of his former residence at 16th and Jackson is largely indebted to him for its development. He has erected and owns several large buildings in that vicinity, and in 1898, as the Exposition was coming on, he expended about $60,000 in the erection and equipment of the Iler-Grand hotel, which has

since been greatly enlarged. In politics he is a republican. On May 7, 1863, while still a resident of Ohio, he was married to Mary Ann Deuzer. Five children are the issue of the union, namely: William, Ervin, May, Edith, and Bessie. In 1899, owing to the encroachments of the business section upon his home on 16th St., Mr. Iler purchased a palatial home at 1240 South 10th St., where he now resides. Mrs. Iler died Mar. 19, 1904.

JACOBS, JOHN GEISE, pioneer in the undertaking business in Omaha, was born in East Berlin, Adams county, Pa., May 25, 1843, died in Riverside, Cal., Oct. 14, 1883. He was descended from families who were among the earliest settlers of Pennsylvania. His father was John Jacobs, for many years a prominent business man of East Berlin, and his mother in maidenhood was Sarah Geise, a most estimable woman and of one of the old Pennsylvania Dutch families. Some of his ancestors achieved prominence in civil life, and others served in the Revolutionary war. John G. Jacobs received his early education in the public schools, and for two years attended Pennsylvania college at Gettysburg, but left without graduating on account of failing health. When he was twenty-one years of age he settled in Omaha, and engaged in the real estate and the commission business, in which he was highly successful. The first regular undertaker of the city of Omaha was Jacob Gish, who established himself in business in 1865. His business some years later was purchased by Mr. Jacobs who conducted it until the time of his death, and during the years he was in business was recognized as the leading undertaker and funeral director west of the Missouri river. He was a man of more than ordinary enterprise and of excellent business judgment. He was successful in all his various undertakings, and at his death left a handsome competency to his widow and only son. He built the Jacobs block in Omaha, and in various ways assisted in the upbuilding of the city. He was a prominent member of the Masonic fraternity, belonging to the Blue lodge, the chapter and commandery. He was a life-long republican and took an active part in local politics. During the years 1879–81 he was the coroner of Douglas county. This was the only elective office he ever held, and he steadfastly refused to become a candidate for other political honors. Mr. Jacobs was married Feb. 17, 1881, to Miss Lillian Mary Soliday, daughter of William and Katherine (Talbot) Soliday of Hanover, Pa. He became the father of one son, John G. Jacobs, born a few months before the death of his father, and now one of the prominent young men of Omaha. Mrs. Jacobs, after a few years of widowhood, became the wife of Mr. M. O. Maul. Her maternal and paternal families were of Revolutionary stock, and she is a direct descendant of Col. Samuel Nelson, an officer in the Continental army under Washington. Other members of her family served in the War of 1812, and in the Civil war.

KALEY, HENRY SOLOMON, son of Charles and Elizabeth Kaley, was born July 14, 1843, near Lewistown, Pa., and died at Red Cloud, Neb., Aug. 25, 1881, aged thirty-eight years. When eleven years old he removed with his parents to Wyandot county, O., and at the age of twenty-one years he was matriculated in Wittemberg college, Springfield, O., at the time one of the leading educational institutions of that state. In 1862, while attending college, he enlisted as a private in Co. A, 123d Regt., O. Vol. Inf. He afterward became first sergeant of his company, and was subsequently promoted to quartermaster of his regiment. He engaged in the hard-fought battle of Winchester, W. Va., where he was severely wounded by receiving a gun shot in the left hip. On the same day he was taken prisoner by General Ewell's forces, and after three months' imprisonment was recaptured by the federal troops, after which he was made a recruiting officer for his regiment. He was present at Appomattox when General Lee surrendered, after which he was honorably discharged. He thereupon reentered Wittemberg college and completed a classical course in that institution. He then entered the law department at the University of Michigan (Ann Arbor), where he completed a law course and graduated with high honors. After being admitted to the practice of law in Michigan and Ohio he married Elizabeth Kellar, a farmer's daughter of Carey, O., and removed to Osceola, Ia., where he engaged in the practice of his profession. After a residence of about a year at Osceola he was elected mayor of that city. In 1872 he removed with his family to Red Cloud, Neb., which was then a frontier town, where he continued to reside and practice his profession until his death. In 1876 he was selected as one of Nebraska's three delegates to the national Republican convention at Cincinnati, where the entire Nebraska delegation ardently favored the nomination of James G. Blaine for President. In 1880 he was elected to the state legislature, where he took a leading part

in the shaping of legislation, and received a substantial vote on the various ballots for United States senator, although not a candidate for that high office. In 1881 he was appointed by President Garfield as consul at Chemitz, Ger., but before starting to his post of duty he became afflicted with an aneurism with which disease he died before leaving his home on his mission. Mr. Kaley was a member of the state board of education, the last four years of which he served as president of that body. He was an active worker in the Masonic body, and was grand orator for the session of the Grand Lodge held in June, 1880, at Omaha. For a number of years he was an active and useful member of the state fish commission. He was a consistent member of the English Lutheran church. He took an active interest in politics, and during his whole political career affiliated with the Republican party. He had two children, Charles H. and Cora E., who with his widow survive him. Mr. Kaley was a fine scholar, an able and successful lawyer, and an honest man. He was buried with Masonic honors at Red Cloud, Neb., the place of his adoption.

KENNEDY, HOWARD, deceased, pioneer of Omaha, was born in Lansingburg, N. Y., Aug. 14, 1832, and died in Omaha, Apr. 18, 1905. He was the youngest of the five children of George W. Kennedy and Ann Coombs Kennedy. George W. Kennedy, a native of Baltimore, Md., born in 1797, removed to Lansingburg when a young man and there established a brush manufactory. He was a musician of considerable skill and culture, a great lover of books, and an active member of the local "train band." He died of cholera during the epidemic of 1832, while on a visit to Baltimore. He was descended from Robert Kennedy, a Scotch sea captain who commanded a transport ship engaged in bringing troops to America at the time of the French and Indian war, and afterward settled in Maryland. Robert's son, William, grandfather of Howard Kennedy, was also a sea captain and lived in Baltimore. Ann Coombs, daughter of John Coombs, a Revolutionary soldier and a prominent colonial Methodist, was born in Baltimore in 1800. She was baptized by the celebrated Bishop Asbury and was a woman of much piety and of strong religious convictions. Howard Kennedy's boyhood and youth were spent upon a farm in New Lebanon, N. Y., and his early education was acquired in the local schools and through a circulating library. His desire for a higher education than these facilities afforded took him to the academy at Kinderhook. While there he met ex-President Van Buren, who gave him free access to his own large library and spent many hours in discussing with him the political problems of the day, and at whose home he once dined with Henry Clay. After leaving Kinderhook he entered Williams college and became a member of the class of 1857. He removed to Omaha in 1859, having been appointed superintendent of the public schools. His new position brought upon him the task of organizing the public school system of that city. He entered upon his work with enthusiasm and opened Omaha's first public school in Nov., 1859, in the old capitol on 9th St. He was at once superintendent, principal, and a large part of the teaching staff. The next fall he returned to New Lebanon, where for several years he successfully conducted a private school for boys. When he later returned to Omaha he was repeatedly elected a member of the board of education and served for ten years, doing much to raise the schools to the high plane of efficiency which they have attained. In 1867 Mr. Kennedy was appointed by President Johnson to be receiver of the United States land office, then located at Nebraska City, but during his incumbency removed to the new capital, Lincoln. Upon the organization of the land department of the U. P. R. R. Co. in 1869, he was appointed its secretary and served as such until 1886. In this capacity he was actively instrumental in inducing immigration and effecting the settlement of the state. In 1886 he resigned this office to become special loan agent for Nebraska of the Northwestern Mutual Life Insurance Co., in which position he continued until 1901, when he retired from active business life. In politics Mr. Kennedy was a whig until the organization of the Republican party, after which he became a republican. He volunteered for service in the Civil war, but ill health prevented his acceptance. Mr. Kennedy was an active member of the Presbyterian church from his boyhood. He was a charter member and the first elder of the first Presbyterian church organized in Lincoln, and was for more than thirty years an elder of the First Presbyterian church of Omaha. In Free Masonry he attained the thirty-second degree. He was married at Mt. Joy, Lancaster county, Pa., Sept. 20, 1860, to Margaret A. Long of that place. Two sons and one daughter were born to them: Alfred Conkling, Howard, Jr., now judge of the district court of the 4th district, and Ethelwynne, wife of William Watson Grigor.

KILPATRICK, SAMUEL, deceased, one of the first settlers of Gage county, Neb., was born near McConnelsville, O., Dec. 5, 1818, and died on his farm in Gage county, Feb. 20, 1875. His parents, John and Sarah Wallace Kilpatrick, were of Scotch-Irish descent, and their rugged characters impelled them to keep ever at the front of the pioneer movement. When the son was yet a child the parents moved on to Indiana, and there the boy spent his early life in toil incident to the pioneer life, securing whatever of education might be picked up in the schools of that day. He worked upon farms in Illinois, Ohio, and Indiana, but felt the inherited impulse to move onward to the frontier. In 1844 he moved to Jasper county, Mo., and engaged in farming for several years, moving to Benton county, Ia., in 1857. In 1859 he settled in Nebraska, Plattsmouth being his first stopping place. From Plattsmouth he went to Nebraska City, and from the latter place to the section now known as Gage county, where he took up a claim of 120 acres, which he later entered as a homestead. He lived upon this homestead until his death. By hard work and the exercise of frugality he secured an additional quarter-section. When he located his claim his nearest neighbor lived about ten miles away, and often the settlers were forced to flee before the Indians who still disputed the right of the white man to settle upon the broad prairies of Nebraska. This original homestead included the north half of the northwest quarter, southwest half of the northwest quarter of sec. 31, twp. 4, r. 5 east. He was a republican, although he never took an active part in politics. He was a member of the Methodist church. On May 20, 1844, he was married to Rachel Thompson at Joliet, Ill. Ten children were born of this union, four of whom are living: William H., contractor and ranchman, Newcastle, Wyo.; Robert J., contractor and ranchman, Beatrice, Neb.; Samuel D., contractor and ranchman, Cambria, Wyo.; and Joseph M., farmer and stockman of Gage county. Henry C. Kilpatrick, another son, died May 11, 1902. Coming to Nebraska when it was a territory and comparatively unknown, Samuel Kilpatrick lived to see it become a state that promised to rival the older states of the far East in population and riches. In this development he took an active part, and the work performed by him has left its impress upon the history of the commonwealth.

KING, JACOB, was born in Sangamon county, Ill., Sept. 3, 1831, his parents being pioneer settlers there. His father, Jacob King, Sr., was born in Virginia and descended from German stock. His mother, Winnifred Rector, was a native of Champaign county, O., a daughter of a soldier of the Revolutionary war, and was there married to Jacob King, Sr. They removed to Sangamon county, Ill., during the summer of 1829, where they were farmers until the husband's death in 1832. The family continued to live in Illinois until 1836, when they moved back to Champaign county, O. In 1844 they again moved westward, settling in Miami county, Ind. In 1856, at the age of twenty-five years, Jacob King started for the West, and arrived in Omaha, July 7, where he was employed by Experience Estabrook, for more than a year. In Apr., 1857, he was married to Christine C. Christianson at Mr. Estabrook's home. About this time he filed a preemption claim on 160 acres of land a mile and a half east of the present town of Papillion, in Sarpy county. Three days after filing his claim the organization known as the claim club began to interfere. He was taken to the headquarters of the club at Bellevue and compelled, by means that were not resisted in those days with impunity, to withdraw his filing. That is why he decided to become a resident of Omaha. In 1858 he moved up the Platte valley to a town site called Buchanan and engaged in farming. The present town of Rogers on the U. P. R. R. joins on the east the farm then occupied by Mr. King. This was the meeting place of the Omaha and Pawnee Indians when they started hunting expeditions. Neither of these tribes would venture forth alone because of their fear of the Sioux, and whichever reached the meeting place first invariably awaited the arrival of the other before starting. There were sometimes as many as 2,000 Indians assembled around Mr. King's farm, and it required a great deal of watchfulness to prevent them from carrying away everything that could be pried loose from the soil. Luckily, however, that was about the only way in which these Indians were disposed to be troublesome.

In the fall of 1859 Mr. King returned to Omaha and took charge of the property of General Estabrook while that gentleman was absent in Washington as a member of Congress from Nebraska, the rest of the Estabrook family being at that time in Wisconsin. In Apr., 1860, he took a wagonload of corn to Cottonwood Springs. This name was given to a place near the junction of the North Platte and South Platte rivers because of a beautiful spring found there beside a big

cottonwood tree. It was near the point at which Ft. McPherson was afterwards built. There was a ranch there which was occupied by Dick Darling, who was well known in Omaha. During the Mormon war he had been employed by the government, on the recommendation of Dr. George L. Miller, General Estabrook, Andrew J. Poppleton, and others, as a dispatch carrier between Ft. Leavenworth and Ft. Bridger. It was while in this business that he made his famous ride from Ft. Bridger to Ft. Leavenworth in four or five days, during which he never slept, was obliged to eat such food as he could while riding at full speed, and only stopped to change horses at relay stations. Long afterwards Mr. King declared that Dick Darling could beat anyone whom he had ever seen in horsemanship, that being a sort of second nature to him. It was during that visit to Cottonwood Springs that Mr. King enjoyed with Dick Darling the most memorable hunting expedition of his life. Going up a canyon from Cottonwood Springs about ten miles, they crossed the divide and traversed another canyon southward about an equal distance. All along the route they saw fresh elk tracks, and occasionally caught sight of an antelope, but no buffalo. Reaching a beautiful running stream coursing through a considerable stretch of timber, they stopped for the hunt, that being the first water they had seen after leaving the Springs.

"We picketed the horses," said Mr. King in recalling his experience, "and started out in search of game. We had gone but a very short distance down the creek when we killed an elk and wounded another. Having taken the dead animal into camp, we hung it up to a tree and got our supper, among the delicacies of which elk meat was the prime dish. We fed the horses, rolled up in our buffalo robes and blankets for the night, and the next morning awoke in a drizzling rain. While I attended the horses and cooked our breakfast, Dick took a look around to see if he could find the wounded elk, but without avail. Upon coming back, with the instinct of the plainsman he declared that we were going to have a storm and asked me what I thought about starting back. Of course I thought that we had better do so, and when we reached the Springs about five o'clock that evening it was snowing hard. That night a man and a mule were frozen to death at O'Fallons Bluffs, about thirty miles west of Cottonwood Springs. The next day I started on my return to Omaha, a distance of about 270 miles, and arrived there five days later.

Judge Gilliss was appointed Pawnee Indian agent in 1859. At that time the Pawnee village was on the south side of the Platte river just opposite the present city of Fremont, but in the fall of the year named the agent moved them up to the reservation at Genoa, which place had been settled by the Mormons. In the spring of 1860 the Indians received their large annuity from the government. The goods were shipped to Omaha on steamers and were received by Judge John R. Porter. A man by the name of Holland secured the contract to haul them from Omaha to Genoa, and Mr. King took the first load. Upon returning to Omaha Mr. King took another load of freight across the plains to Central City, Col. He left Omaha July 1, 1860, and made the trip in just thirty days, encountering no trouble from the Indians. During the last of September he returned to Omaha and in the following spring again took up his residence in Buchanan, where he remained four years. During that time the trails in summer were continually lined with teams and emigrants bound for Pikes Peak, California, Oregon, and Utah, those going to the latter place being usually Mormons intending to settle at Salt Lake. It was nothing unusual to count 100 teams in a day during the season favorable for travel, and settlers along the trail had a great deal of trouble guarding their crops from the depredations of the stock of the emigrants. Another source of constant fear and annoyance was the prairie fires, which sometimes raged with terrific fury and inflicted great damage upon settlers.

In the spring of 1864 Mr. King moved to a point about seven miles from Genoa, on Looking Glass creek, where he took up a homestead. The following summer was a distressingly dry one, and crops were a failure in some parts of the state. Mr. King was one of the sufferers. But that was not the only discouraging experience of the summer. About the last of June the Sioux Indians started on the war-path against the Pawnees. There were about 100 federal soldiers stationed at the Pawnee agency. Two men named Patrick Murray and Adam Smith were one day cutting hay under a government contract about three miles east of Genoa on Looking Glass creek and about three and a half miles northeast of the home of Mr. King when the Sioux arrived. They came upon a party comprising Adam Smith, Mrs. Patrick Murray, four or five other men, and a boy, the names of most of the party having escaped Mr. King's memory in the lapse of years. It was either the first day of July,

or one day earlier or later, that a band of about thirty Sioux rode up to the haymakers, shook hands, and behaved otherwise in a friendly manner. In a short time, however, Mrs. Murray discovered that their horses had been turned loose. The men secured them again, but in a short time they were again found to be loose. Mrs. Murray, now scenting trouble, directed the men to hitch up the horses so that the party might immediately leave the vicinity; but when the Indians saw their intentions they began to shoot, killing one of the haymakers almost instantly. Adam Smith fell soon afterwards, and another man in the party was shot in the back with an arrow. Still another had a bullet through his hat, but he escaped into the high weeds, where he remained until the Indians had completed their murderous work. The boy hid under a cock of hay and was not found by the Indians. After all of the Indians had ridden away but one, who was standing over the body of Adam Smith and shooting arrows into him, Mrs. Murray threw herself across the wounded man to deter the Indian from inflicting further injury. She received a flesh wound in the arm, which so enraged her that she grasped a pitchfork and started after him. She frightened his pony so that it ran away, and when the Indian went in its pursuit she hid in the high weeds. The Sioux brave came back and hunted for her, but finding no traces of her, he soon left to rejoin his companions. The five head of stock that had been used in the haymaking were driven away by the Indians, who also scalped the man whom they instantly killed. In doing so they had removed more of the scalp than they were accustomed to take, but they cut it in two pieces, one of which they left lying by his body, where it was picked up four or five days afterwards by Mr. King. The boy emerged from his hiding place as soon as the Indians had gone, hastened to Genoa, and gave the alarm. Soldiers were sent to the scene of the massacre, which they reached about midnight. Adam Smith was found wounded and was removed to Genoa along with the dead man and the one who had an arrow in his back. Mrs. Murray remained in the tall weeds all night and was found next morning in a demented condition. She was taken to her home three miles west of Columbus, where she subsequently recovered. The murdered man was buried at Genoa the following day, and on the same day Adam Smith died from his wounds. The man who was wounded with the arrow in his back lived for three weeks and three days. He died at the home of Patrick Murray.

When the news of this massacre reached General Estabrook he sent for Mr. King to return to Omaha. He then secured employment in the first grading done for the U. P. R. R., having charge of an outfit of carts. He continued at this work for about a year, grading around Omaha and as far west as Amos Gate's place just west of Gilmore station. He then conducted a feed stable in Omaha for two years, during which time (in 1866) he obtained a patent on the first hay-sweep ever invented. Upon retiring from the feed stable Mr. King worked for the U. P. R. R. Co. for a year as a carpenter, and during the following ten years worked as carpenter and builder in Omaha. Later he had charge of James E. Boyd's packing house for a year, at night. In the spring of 1883, having sold his home in Omaha and bought a farm eleven miles west of Omaha, he removed there, where he lived for about five years. In 1888 he bought property at Papillion, moved upon it, and resided there many years. He has accumulated a reasonable competence and enjoys the respect and esteem of his wide acquaintance in Douglas and Sarpy counties, and is spending his declining days in Omaha, to which place he removed when he retired from the farm.

Mr. King is the father of seven children, of whom six are living: Lucien Albert, born Dec. 7, 1857, in Omaha and now in the general merchandise business at Anaconda, Mont.; George Franklin, born Feb. 2, 1859, and Winfield Scott, born Jan. 19, 1862, both born at Buchanan, and both in the employ of the Union Stock Yards Co. at South Omaha, the latter as chief engineer; Martin Pritchard, born Dec. 1, 1863, who died in Omaha July 24, 1865; Caroline Augusta, now the wife of Dr. T. A. Reid of Calhoun, Neb., born in Omaha Jan. 12, 1866; Alice Daisy, born June 11, 1869, who married William Maxfield, a farmer living three miles south of Papillion; and Marcus L., born July 27, 1874, now a dentist in South Omaha.

KING, WINFIELD SCOTT, son of Jacob and Christine C. (Christianson) King, was born Jan. 19, 1862, on a farm located on Shell creek in Platte county, Neb., at a point where the old California trail crossed that stream. For ancestry of Winfield Scott King see preceding biography of Jacob King. In his early youth W. S. King attended school at the log schoolhouse near his home in Platte county, and later took a course in the Omaha high school. The most impressive feature of this high school training as he now remembers it was the flogging he got on his first day's

attendance. He was so impressed with the importance of securing an education that, while working during the days, he took a course of private instruction at night. He earned his first dollar in 1867 by carrying a newspaper regularly to the home of Judge Ely, who lived near the old government corrall at 9th St. and Capitol Ave., in Omaha. After leaving the high school he served as a messenger boy for the Western Union Telegraph Co., learning telegraphy while thus employed. In 1881 he began the study of civil engineering, which has ever since been his profession. He assisted in the construction of the Oregon Short Line and several other branches of the U. P. R. R. He was city engineer of South Omaha from 1890 to 1895 and county surveyor for Douglas county in 1896 and 1897, resigning that office during the latter year to become chief engineer of the Union Stock Yards Co. Mr. King has for several years been active in the civic affairs of South Omaha. He is one of the organizers and energetic members of the South Omaha Commercial club, also of the Nebraska Society of Civil Engineers, the Omaha Technical club, and the American Society of Civil Engineers of New York. He is an active Mason and has passed the thirty-second degree of that order, being also a Knight Templar. He belongs to the Protestant Episcopal church, in which he takes an active interest. On Jan. 4, 1888, at Elkhorn, Mr. King was married to Maggie C. Hall, of that place. They have four children: Howard S., born Oct. 16, 1888; Fred W., born Mar. 4, 1890; Vera Blanche, born Mar. 4, 1892; and Ralph H., born Mar. 10, 1896.

KOENIG, HENRY ARNOLD, pioneer of Grand Island, Hall county, Neb., is a son of Christopher H. Koenig, a steam distiller, who lived and died in Prussia, and Caroline (Czumwinkel) Koenig, a native of Holland. Henry A. Koenig was born in Gutersloh, Prussia, acquired a common school education, supplemented by a business course at Osnabruck. He emigrated to America in 1860, going direct to Omaha. He clerked for a time for Pundt & Koenig and then enlisted for the Civil war in Co. B, 1st Regt. Neb. Vol. Inf., and was elected second lieutenant in June, 1861. He served until the fall of Ft. Donelson, and then, on account of rheumatism, resigned in Jan., 1862. He then made a trip overland to Colorado returning the same year, and being urged by friends to start a store in Grand Island, he engaged in the general merchandise business at that point. His store, known as the "O. K. store," was located one mile south of town, close to the Wood river, on the old California road. He continued in business here until 1867 and during a part of the time was in partnership with Fred A. Wiebe under the firm name of Koenig & Wiebe. Early in the latter year, the store was moved from its old site to the present site of Grand Island, where Mr. Koenig continued to do business until 1870. In 1864 when the Sioux Indians took the war-path, this store building was transformed into a fort, and all the settlers with their families assembled there, going out to work their land during the day and returning to the fort at night. The fortification surrounding the store was made of logs, sod, and wire, eight hundred feet square, one story high, and surrounded by a ditch seven feet wide and six feet deep, with only one drawbridge, which was raised when all were in. In the fall of 1867 Mr. Koenig erected the State Central flouring mills, the main building being thirty feet high, built of wood, with a rock engine room 20 x 35 feet, one story high, and a brick boiler room, 16 x 45 feet, one story high, which was added later. The capacity of this mill was 150 100-pound sacks of flour per day. This mill, which still stands, was sold by Mr. Koenig in 1886 to Mr. Henry Glade, the present owner. Aug., 1871, the first bank in Grand Island was incorporated as the State Central bank with a capital of $45,000, with Henry A. Koenig as president and D. Heffleman as cashier. This bank was succeeded by the Citizens' National bank. Mr. Koenig opened the first lumber yard in Grand Island in 1867 and dealt in grain at Grand Island and other points. Mr. Koenig has always been a republican in politics, was elected treasurer of Hall county in 1866, serving for four years, and in 1870 he was elected state treasurer, serving until 1875. He has also held many local offices of trust and responsibility. He was married at Grand Island Dec. 30, 1863, to Miss Agathe von Wasmer of Holstein, Ger. They have had four children: Richard William, secretary of the National Roofing Co., Omaha, Neb.; Mary, wife of Dr. John Janss of Welcome, Minn.; Arnold C., a civil engineer residing in Omaha; and Henry, Jr., deceased.

KOSTERS, HENRY A., pioneer of Omaha, is the son of Herman and Anna Mary (Helling) Kosters. His father was a wheelwright and turner at Mateln, Westphalia, in which place Henry A. was born on Feb. 22, 1817. In his native country he received a common school education, and at the

age of fifteen years, went to Holland to learn the trade of cabinet-maker and painter. In 1842 he came to the United States, settling at Syracuse, N. Y., where, on May 7, 1850, he married Magdalena Woll, who was born in Bishmisheim, Ger., Oct. 28, 1842. She received a common school education in her native village, and came to the United States in 1850 to visit an uncle. She met and married Mr. Kosters the same year. In 1856 they removed to Nebraska, settling in Omaha, where Mr. Kosters began business as painter and decorator. He has been engaged continuously in that business from 1856 to the present time (1905), with the exception of three years spent on a farm in the early '60s. Although eighty-eight years of age, Mr. Kosters may be seen daily at his place of business, assisting his daughter in its management. He has never been active in politics, but has always affiliated with the Democratic party, although in local affairs he has been independent enough to vote for the best men, regardless of party. In religion he is a Roman Catholic. Mr. and Mrs. Kosters have had fourteen children, ten of whom are living, namely: Julia, Edward, Henry A., Frank W., Amelia S., Mary C., S. Elizabeth, George J., Katie, and A. Florentine. This worthy couple celebrated their golden wedding quietly in May, 1900, and are now (1905) both hale and hearty.

KRUG, FRED, the founder of the Fred Krug Brewing Co. of Omaha, was born near Cassel, Ger., in the year 1833. He served his apprenticeship as a cooper and brewer at Cassel. When nineteen years old he came to America, and after remaining in New York a short time proceeded to St. Louis, where he at once found work as a brewer. He remained in St. Louis until 1855, when he became superintendent of a brewing plant in Missouri. In the following year he returned to St. Louis to marry Miss Anna Wittig. In 1857 Mr. Krug became the superintendent of the Hagg Bros.' brewery at Council Bluffs, Ia. Eighteen months later he settled in Omaha, then a promising town of about 4,000 people. Mr. Krug at once commenced the establishment of a brewery of his own on the south side of Farnam St., just west of 10th St., on the site occupied by what is now the Vienna hotel. The brewery was the first to be erected in Omaha, and, as may be imagined, was not very pretentious. In a few years business had so grown as to require a much larger capacity, and so in 1867 Mr. Krug erected the first brick brewery in Omaha at the southeast corner of Jackson and 11th Sts. Again in 1891 the growth of the business made a more extensive and modern plant a necessity. On this occasion eighteen acres of ground were purchased between the cities of Omaha and South Omaha, on which was erected the present complete and up-to-date plant of a capacity of 150,000 barrels of beer per annum. In 1891 Mr. Krug incorporated the Fred Krug Brewing Co. with the founder as president, William Krug, vice-president and general manager, Albert Krug, secretary, and Fred H. Krug, treasurer. Though a pioneer brewer of the West, the president and founder of this company is still an active and respected citizen of Omaha.

KUONY, JOHN B., Nebraska pioneer, and retired man of business, Omaha, was born in Soppe-le-bas, Alsace, France, June 6, 1831. He was given the advantage of an excellent education in his native country, and when he arrived at manhood concluded to seek fortune in America. On Dec. 2, 1851, he sailed from Havre on the ship Constantine, a sailing vessel. A few days out at sea the vessel was overtaken and disabled by rough weather, which continued in its wake until the American shore was sighted, and then the climax of bad fortune was reached in the vessel being wrecked off the Long Island shore. For thirty-six hours the passengers and crew were in distress, when two schooners came to their rescue, and removed all from the fated ship to a small island on which there was a light-house, and from there they were taken to a little coast village where they were landed in a deep snow. The trials of the voyagers were severe, but to be on land, no matter how hard the conditions, was a thing that all were thankful for after seventy-two days of rough life at sea. From the village the party was transported by all kinds of conveyances, about ten miles, to the railroad, thence to New York, arriving in that city on Feb. 11, 1852. Mr. Kuony decided that that great city was not a desirable place for a foreigner of limited means, and he soon went to Buffalo, and was fortunate in securing a position as teacher of German and French in an academy in the suburban town of Lancaster, where he remained until the opening of navigation in the spring, when he proceeded by way of the lakes to Milwaukee. There he found circumstances far from propitious, and for some time he worked for the paltry sum of $8 a month. In order to better his condition he went to Galena, Ill., and other places, remaining for some time in Johnson county, Ia.,

where he split rails during one winter, and the following summer worked as a farm hand near Muscatine. In the fall of 1853 he went by boat to St. Louis, and there for a short time was employed as a draughtsman by Architect Rumbold, noted as the leading architect of the West at that time and designer of the old Nebraska territorial capitol building at Omaha, which occupied the site upon which the Omaha high school now stands. Late in the summer of 1854, Mr. Kuony made the acquaintance of Samuel Bayliss of Council Bluffs, the donor of Bayliss park to that city, and acting upon his advice, he left St. Louis the following September on the same steamboat that carried the first sawmill to be used in the then embryo city of Omaha. This boat also carried a consignment of cook-stoves and other hardware for Milton Rogers, the pioneer hardware merchant of Omaha, also a quantity of farm produce shipped from St. Louis. Landing at Kanesville (Council Bluffs), Mr. Kuony found employment at the old Pacific house, but two months later crossed the river to Omaha, and staked off a claim about four miles northwest of the present Omaha postoffice, on which he built a $25 cottonwood shanty, and after a few weeks concluded the claim was worthless and abandoned it. In January he assisted the Wells Bros. to open the old Douglas House, which stood on the corner of 13th and Harney Sts., and for some time had charge of the culinary department. The house was open in time for the accommodation of the members of the 1st territorial legislature. Its accommodations were of the pioneer type, but fully up to the standard required by the members of the legislative body. After the adjournment of the legislature, there was little else to do other than "jump" town lots and land claims, exciting and hazardous business, though cloaked with legitimacy. For about a year Mr. Kuony alternated his time between Omaha and Council Bluffs, in Mar., 1856, settling in Omaha. Since then he has permanently resided in Nebraska with the exception of two years, 1860–62, spent in Denver. On July 12, 1856, he was married in the dining room of the Douglas House, in Omaha, and the next day he and his wife opened a boarding house—the Nebraska House—on the southeast corner of 13th St. and Capitol Ave., in the brick building which (1905) is still standing. The following fall he sold out his business, taking in payment part cash and the rest in "Papertown" lots. The lots proved worthless, and the "wildcat" banks of the day managed to relieve him of the money he got out of the deal, and thus he found his purse depleted. In the spring of 1857 he removed to Ft. Calhoun, Neb., where he engaged at various kinds of manual labor, and where, with the help of his industrious wife, he soon acquired a modest little home, which in the spring of 1860 he sold to the late A. S. Paddock, then newly married. Going to Denver, Mr. Kuony and wife at first met with many reverses in their efforts to succeed, but they opened a restaurant and were highly successful in its management, when in 1863 the fire which nearly devasted Denver destroyed everything that they possessed except their gold dust and cash. They then returned to Ft. Calhoun, and in the spring of 1864 established a small store in a rented log cabin, a successful enterprise from the start, which soon justified its removal to a more pretentious building, the lumber for which was bought in Chicago, and was brought by steamboat from St. Louis to Omaha and then by wagon to Ft. Calhoun. Mr. Kuony conducted the store for twenty consecutive years, then sold out to retire from business, and established his residence in Omaha, where he has since resided in ease. In 1887 he built a comfortable modern residence in Omaha, where he is an extensive owner of property. Their only daughter, Josephine (Kuony) Shockey, wife of Mr. W. G. Shockey, died Apr. 16, 1884, at Manitou, Col. She was born Nov. 22, 1858, at Ft. Calhoun, and was educated at Brownell Hall, Omaha. Her mother in maidenhood was Regina Maag, born in Neunkirch, Canton Schaffhausen, Switzerland, May 13, 1830. She emigrated to the United States in the spring of 1852, landing at New Orleans, and the same day started by boat to St. Joseph, Mo., to join friends. In the spring of 1855 she went to Omaha, where she was married to Mr. Kuony on July 12, 1856. Mr. Kuony has always been affiliated with the Republican party, though never an active politician. He was appointed postmaster at Ft. Calhoun in 1864 and held the office until 1878, when he resigned. For a number of years he was a member of the Ft. Calhoun school board, in 1858 was the first city clerk, and also served as mayor, treasurer, and member of the city council. He also served for a time as secretary of the Washington County Old Settlers' association. In 1867 he was made a Mason by Solomon Lodge No. 10, and later was admitted as a member of Capitol Lodge No. 3. In 1883 he represented Washington county in the legislature and again in 1885. He has been a member of the Omaha board of trade since its organization in 1877, and for some

years was a member of the Commercial club, resigning in 1898 on account of not being in active business.

LANGE, FREDERICK ERNEST, Nebraska pioneer and prominent farmer and stock grower of Burt county, was born in Saxony, Dec. 21, 1829, son of John Godfrey and Anna (Schoenfeldt) Lange. He received his education in the common and the high schools of his native place, and as is customary in Germany, he was apprenticed to the cabinet-maker's trade. In 1852 he came to the United States, landing in New York city. From there he traveled to Detroit, Mich., and later to Chapham and New London, Ont., where he worked at his trade for some time. Returning to the United States, he spent some months in South Bend, Ind., and at Michigan City in the same state. Then he worked in Chicago for a while, and left there to work for the C., R. I. & P. R. R. Co. as a carpenter. When Nebraska territory was opened to settlement by proclamation of the President he started west, reaching Omaha in Mar., 1855. He remained there for a short time; then, after traveling over the territory, settled on a quarter-section of land in twp. 23, in what is now the northern part of Burt county. He commenced farming, was highly successful, and has since gradually added to his land holdings, until his homestead has more than 900 acres, and near by he has another farm of 120 acres, all of which is in a high state of cultivation. In addition, he is the owner of 800 acres of land in Jackson county, Tex., and is the owner of valuable live stock. Cattle raising has been one of his favorite occupations, but general farming has received his steady attention. Mr. Lange has filled many important minor offices in his community, for five terms serving as a member of the Burt county board of supervisors, for a number of years has been a member of the school board, and for six years postmaster at Golden. He has always been a democrat and active in the local affairs of his party. In all matters intended for the advancement of the county he has been active, and has taken a lively interest in charitable and philanthropic affairs. He is an excellent neighbor, and during the early struggles of the settlers freely lent his aid to those striving to succeed. Mr. Lange was married in 1859 to Mary, daughter of Joseph and Barbara Hoskey of Burt county. Eight children have been born to Mr. and Mrs. Lange—five sons and three daughters. Augustus, their first born, is dead; Minnie, the eldest daughter, died in Montana; Clara is the wife of Matthew Mitchell of Spokane, Wash.; Ernest lives at home; Oscar married Miss Minnie Goodrich; and three children died in infancy. Mrs. Lange died in 1878. Mr. Lange was reared in the Lutheran faith.

LATTA, JAMES P., president of the First National bank of Tekamah, Neb., was born in Ashland, O., Oct. 31, 1844. His father was John Latta, a successful farmer, and a son of William Latta, who came from Ireland about 1792 and settled in Westmoreland county, Pa., and about 1814 located near Ashland, O. John Latta married Mary White, whose parents came from Maryland and settled in Ohio, and in 1846 they settled on a farm in Jackson county, Ia., where they reared their family. James P. Latta attended the public schools during the winter months, and worked on the farm in summer. In 1863, when he was nineteen years old, he removed to Nebraska and settled in Arizona township, Burt county. For some time he worked by the month as a farm hand, then engaged in farming and stock raising, and in 1878 he entered the banking business at Tekamah. He is president and a large stockholder of the First National bank of Tekamah; also owns and operates a farm of 2,500 acres near that city. He has always been a democrat, has been mayor of Tekamah, and in 1886–88 was a member of the state legislature. He is a member of all the Masonic bodies up to the thirty-second Scottish Rite and the Nobles of the Mystic Shrine, and has held offices in nearly all the different divisions of the order. He was married Dec. 29, 1870, to Libbie Jones, of Jackson county, Ia., and they have two children, Ed and Bur. The former is cashier of the First National bank of Tekamah.

LAUNE, LEWIS D., Nebraska pioneer, was born in New Jersey, Nov. 24, 1831, and died at Milford, Neb., June 21, 1896. He was a son of Rufus and Sarah (Hawes) Laune, the former of French descent, and the latter of New England lineage. He accompanied his parents to Ohio, where he lived until 1851, following the trade of a painter. He then became foreman in the construction of the St. L., B. & M. R. R., with headquarters at St. Louis, Mo., where he resided for three years. From the latter place he went to Iowa, thence to Illinois, and from there to Winona, Minn., where he farmed and worked at his trade until 1859. In the latter year he removed to Nebraska City, Neb., where for a time he worked at his trade, and then removed to Syracuse, Otoe county, and started a ranch which he

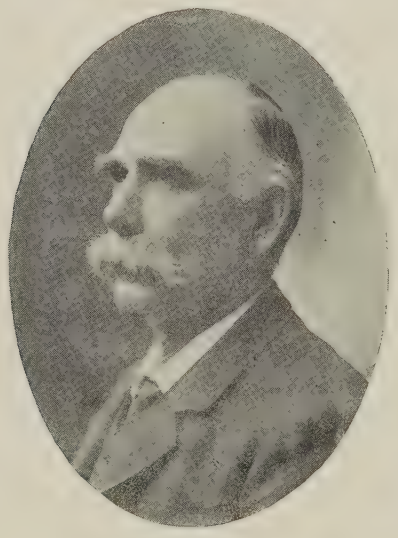
operated until 1866. When the homestead law went into effect he entered a homestead on the Blue river, in Seward county, near the present site of Milford, where he lived until his death. After the founding of the town of Milford he platted ten acres of his farm, in 1879, as Laune's addition to the town of Milford. Mr. Laune was proprietor of the first hotel at Milford, the Milford House, which he continued for five years. He was a member, from Otoe county, of the first territorial convention for the adoption of a state constitution, held July 4, 1864. With fourteen candidates in the field he received the third highest vote cast for any candidate. He served for four years as a justice of the peace in O precinct, Seward county, and was notary public for seven years. He was a member of the I. O. O. F., and was the donor of the lot on which the Baptist church of Milford was erected. Mr. Laune was married in Ft. Madison, Ia., in 1856, to Miss Jane H. Wolbert. Four children were born to them: Cassius L., farmer and stock raiser, Denton, Neb.; Laura J. Walt, Loveland, Col.; Finley R., Loveland, Col.; and Sidney B., graduate of the law department of Ann Arbor university, now residing in Woodward, Okl. Mrs. Jane H. Laune died Nov. 22, 1900.

LEWIS D. LAUNE

LEAMING, CAPT. SILAS T., C.E., of Decatur, Neb., is a native of Schoharie county, N. Y. When he was four years of age his parents moved to Laporte, Ind., and here he attended the country schools and laid the foundation for his future career as a civil engineer, working for a time actively in the field. In 1852 he went to California, but returned in 1855 and took up civil engineering as a profession. In the winter of 1856–57 he was employed by the Iowa Central Air Line, now the C. & N. W., and surveyed the road from Ida Grove, Ia., to the Missouri river. Later, in 1857, he settled permanently at Decatur, Neb. He purchased a claim of 320 acres from a Mr. Rose, paying $6,400 in gold for it, which sum was a guarantee of his confidence in the future of the then territory. He assisted in the organization of Decatur and was the first mayor of the city, being elected in 1858 and holding the office for six years. In 1858 he helped to organize what was known as the Decatur South Pass Air Line R. R. Co., and was elected chief engineer. In this capacity he made the first actual railroad survey ever made in Nebraska, the survey running westward from Decatur. The following year he was elected to the territorial legislature and served two years. He introduced the bills naming and defining the boundaries of Stanton and Holt counties and received a letter of acknowledgment from Secretary Stanton for the honor done him. He was appointed to allot the farms for both the Omaha and Winnebago Indians, was county surveyor for two years, and performed a prominent part in the development of the country. He was admitted to the bar in 1860. In 1862 he enlisted in Co. I, 2d Neb. Cav., was promoted to be first lieutenant in 1863, later becoming captain of the company, which rank he held when mustered out. In Aug., 1869, he was married to Elizabeth C. Thomson, of Decatur, and four children were born to them: Anna T., Edward W., D. Collier, and Silas T., Jr. In Nov., 1897, Captain Leaming married Miss Marion Hutchison, of Fordwick, Can. One child, a

son, H. E. J. Leaming, has been born to them. Captain Leaming has been a life-long democrat and a leader in that party. He has voted for every presidential candidate of his party since 1856, when he cast his first vote for James Buchanan. As one of the earliest pioneers of Nebraska, he has seen the state develop from the territory, and in this development he has taken an active part.

LEE, HENRY J., Fremont, Dodge county, Neb., was born on a farm in Bradford county, Pa., Aug. 27, 1837. His father was James Lee, a farmer in fair circumstances, and his mother was Jane Daugherty. His early ancestry is traceable back to the blending of



HENRY J. LEE

Scotch, English, and Irish blood. During childhood Mr. Lee attended the district and public schools of his vicinity and the high school in a neighboring town, after which he taught school for several winter terms, working during the summer upon his father's farm. After he had been a clerk for one year in a store near his home, he removed to Fremont in Mar., 1865. The first year of his residence in Nebraska was spent in freighting to Denver, Col. In Feb., 1870, he began the hardware business in Fremont, in which he has ever since continued at the same location. In Feb., 1880, in company with C. A. Fried, he established a wholesale hardware house in Omaha under the firm name of H. J. Lee & Co. Later other partners were taken in and the firm became Lee, Fried & Co. After the death of Mr. Fried a corporation was formed, which was known as the Lee-Clarke-Andreesen Co., Henry T. Clarke and E. M. Andreesen being the other two members of the company. In 1899 Mr. Clarke retired from the firm, which has since been known as the Lee-Glass-Andreesen Hardware Co.: Henry J. Lee, president; J. C. Lee, vice-president; E. M. Andreesen, treasurer; and William M. Glass, secretary. The company is one of the most important jobbing houses in Nebraska, and its traveling men cover a territory comprising a number of western states. In 1900 the volume of business had reached about $1,250,000. In the latter year Mr. Lee erected a jobbing house for the firm at the corner of 10th and Farnam Sts. at a cost of about $100,000. In Apr., 1872, the Bank of E. H. Rogers & Co. at Fremont was changed to the First National bank of Fremont, with Mr. Lee as its vice-president and one of the directors. Soon afterwards he became president, and he has held the office ever since. Mr. Lee is a republican, but has devoted his life to his business affairs, and has never had political aspirations, although he has served as a member of the board of education in Fremont, in the city council, and as a member of the board of county commissioners for three years. In Mar., 1869, in Bradford county, Pa., he married Sophronia S. Ellsworth, a native of that state. Two children, Eva J. and Mira F., were born to them, both of whom are married and live in their own homes in Fremont.

LINK, HARVEY, physician and surgeon, pioneer and member of the Nebraska territorial legislature, and for forty-nine years a resident of Douglas county, was born near Limestone Station, Washington county, Tenn., Feb. 4, 1824, son of John and Barbara (Hernsber) Link. He is a descendant of an old southern family, members of which have been prominent as physicians, in the other professions, and in the business world. When he was ten years of age his parents removed to a plantation near Greenville, Tenn., and there in the public schools he received his early education. He later attended Tusculum (Tenn.) college, read medicine under the preceptorship of Dr. John G. Girdner in Floyd county, Ind., to which place he removed when he was a young man, and then entered the Kentucky School of Medicine at Louisville, from which he was graduated in 1852. After four years of successful practice at Greenville, Ind., he removed to New Albany, Ind., and after a short residence there migrated to Nebraska. On Sept. 22, 1856, he settled on a quarter-section in the southwestern part of Douglas county,

and in 1859 made proof under the preemption law. Here he has since resided, and has acquired additional land until his farm now consists of 325 acres, all highly improved. He has been in steady and continuous practice since locating in Nebraska, and is one of the oldest regular practicing physicians west of the Missouri river. During all his mature life he has been a democrat, was a member of the last Nebraska territorial legislature, has held many important township offices, and served twenty-four consecutive years on the district school board. He is one of the old-style gentlemen, yet he has been progressive and has kept up with medical science. On June 1, 1852, he was married at New Albany, Ind., to Mary E. Lloyd of that city. Mrs. Link died July 15, 1885. She was the mother of eight children, namely: Mary E., who became the wife of F. J. Crawford; Helen B., who married Dr. P. L. Hall of Lincoln, Neb.; Alice A.; Harvey N., who married Lillian Daly; Emanuel H., who married Nancy McLane; Leonidas, who married Amelia Rasmussen; Marietta, who died at the age of two years; and Harriet J., who became the wife of William S. Collett of Bancroft, Neb.

LOWE, FREDERICK B., eldest son of Jesse and Sophia Lowe, was born in Omaha in 1857, and has resided continuously in the city of his birth. He was but eleven years of age at the time of his father's death, and the heavy responsibilities thus entailed upon him so early in life precluded the opportunity of his receiving a finished education. He was occupied in the care and management of the large estate left by his father, platting numerous portions of the land into additions to the city, and attending to the sale of lots, in this manner conducting a real estate business for many years. He was employed in the Omaha National bank for a time; was deputy clerk of the district court for Douglas county under Wm. H. Ijams; served five years as a member of the Omaha volunteer fire department; was a member of Co. G, 2d Regt., N. G. S. N., 1879–81; was secretary of the Omaha board of trade 1885; elected a member of the board of education for the school district of Omaha and served three years, 1893–96, during a portion of which time he also served as secretary of the board of park commissioners. In 1898 he entered the business of life insurance and is now connected with the Omaha agency of the Aetna Life Insurance Co. of Hartford, Conn. In politics Mr. Lowe is independent, holding the common good above party or faction, and has never sought public office. Mr. Lowe was married in 1886 to Jennie May Patrick (also born in Omaha), the youngest daughter of Edwin and Sarah O. Patrick. Mr. and Mrs. Lowe are both members of the Protestant Episcopal church. They have two children, Justus, aged seventeen, and Marion Esther, aged seven years.

LOWE, JESSE, the second son of Jesse and Sophia Lowe, pioneers of Nebraska, was born in Omaha in 1861. He attended the early private schools and later the public schools of Omaha. He afterward attended the Maryland Agricultural college, a military academy, and Williston seminary at East Hampton, Mass., finally entering the Rensselaer Polytechnic institute at Troy, N. Y., from which he was graduated in 1885, receiving the degree of civil engineer. His boyhood days were spent in Nebraska during school vacations, engaged in farm work, filling clerical positions in Omaha, and minor positions on railroad surveys for the M. P. R. R. lines in Nebraska, and as assistant to the city engineer of Omaha. In 1885 he was assistant engineer in locating the Omaha Belt Line Ry., and in the preliminary and locating surveys of the M. P. R. R. between Weeping Water and Lincoln, Neb. In 1886 he located at Lincoln, Neb., as resident engineer of the M. P.

JESSE LOWE

R. R. Co., constructing that road into Lincoln, and building its local terminals. In Aug., 1886, he accepted a position as assistant manager of the Birmingham Bridge and Bolt Works, residing in Birmingham, Ala. In July, 1887, he returned to Omaha and engaged in the real estate business with F. B. Lowe. In the fall of that year he formed a partnership with Andrew Rosewater and George B. Christie, under the firm name of Rosewater, Christie & Lowe, civil engineers, Omaha. This firm was dissolved in the spring of 1888, and Messrs. Christie and Lowe formed a partnership as civil engineers and contractors, Omaha, which partnership continues to the present time (1905). In 1893 Geo. A. Lederle became a member of the firm, a relation which he still sustains. Mr. Lowe has been an active member of this firm, which has engaged in many important engineering works. In 1889 he resided in Denver, Col., where the firm of Christie & Lowe built the cable street railways of that city. The following year he removed to Cleveland, O., where the firm built the cable lines of the Cleveland Street Ry. Co., and the same year, 1890, constructed the street railways of the Judson Pneumatic Ry. Co., Washington, D. C. In 1891 Mr. Lowe established his residence in New York city, where they built the Montague St. cable railway of Brooklyn. In 1892–93 they completed the cable system in Denver, Col. They then built the piers for a bridge over the Missouri river at Bellefontaine Bluffs, Mo., for the K. & N. W. Ry. Co., and the Harlem Creek culvert for the same railway at St. Louis. Mr. Lowe removed his headquarters from New York to Chicago, and there they built the Fullerton avenue loop, the first underground trolley line in America. The firm also built the V street railway in Washington, D. C., the first underground trolley line in the capital city. This piece of work revolutionized street railway construction, and later displaced the cable roads of Washington, D. C., and New York city. It was the pioneer engineering work in placing the overhead electric wires under ground. In 1894-95–96 they built two miles of the Chicago drainage canal, and the controlling works including the great Bear Trap dam, which regulates the flow of water from the Great Lakes to the Gulf of Mexico. The contract for these controlling works was awarded on merit for the best design submitted for regulating the flow of water in this large canal, and was the crowning feature of this great work. In 1897–98–99 they improved the harbor at Sabine Pass, Tex., for the U. S. government by the construction of jetties. From 1900–3 inclusive they were engaged in constructing jetties for the United States government at Fernandina, Fla., for the improvement of Cumberland Sound. They also built three locks and dams on the Warrior river in Alabama for the U. S. government. In 1905 they were engaged in improving the southwest pass of the Mississippi river in Louisiana by the construction of jetties for the purpose of obtaining a 35-foot channel entrance for vessels going to New Orleans. This was also a government work.

Mr. Lowe is a member of the American, and also the Western Society of Civil Engineers. He was one of the organizers of the Omaha Guards, military company, under authority of Gov. John M. Thayer, which organization was completed Apr. 11, 1888, Mr. Lowe becoming first lieutenant of the company. Mr. Lowe was a democrat up to the time of the first nomination of W. J. Bryan for the Presidency, since which time he has affiliated with the Republican party. He has no definite church relations. He is a member of the Chi Phi fraternity. Mr. Lowe was married at Omaha Jan. 6, 1892, to Allie Ruggles Pratt, daughter of David H. and Sarah R. Pratt. They have four children: Jesse, Jr., Allie, George Christie, and Sarah.

LYDICK, HIRAM CARPENTER, Nebraska pioneer and prominent farmer and stock grower of Burt county, near Tekamah, was born in Knox county, O., May 25, 1839, son of William and Eva R. (Carpenter) Lydick. In 1845 his parents removed from their Ohio home to Jefferson county, Ia., and there Hiram C. Lydick received his education in the pioneer schools. A year after the family settled in Iowa, the father died, leaving his widow to care for ten children, none of whom were of sufficient age to give her much assistance. For about ten years young Hiram remained on the farm helping his older brothers. He then hired out as a farm hand at $10 a month. He continued at farm work for wages until the spring of 1857, when he removed to Nebraska and settled on a quarter-section of land in what is known as the Arizona bottoms in Burt county. There he commenced farming on a small scale, and was successful. On Oct. 24, 1862, he enlisted for nine months' service in Co. B, 2d Regt. Neb. Cav., and served for two months more than his term of enlistment, being mustered out in Sept., 1863. Most of his time in the service was spent at Ft. Kearney. With the exception of this time spent in the army, he has continuously devoted himself to his farming

and stock growing business. He still owns his original entry of 160 acres, and has increased his homestead in the Arizona bottoms to more than 400 acres, all of which is as rich land as can be found in Nebraska. In addition he has about 1,600 acres of land in other parts of Burt county, two-thirds of which is under cultivation, the remainder being utilized as meadow and pasture. He has always been an advocate of diversified farming, and besides the cultivation of the various cereals and other crops has been an extensive grower of cattle, sheep, horses, and hogs. Immediately after his marriage in 1866 he built a comfortable residence on his homestead, and resided in it until 1888, when he replaced it with a model farm house costing several thousand dollars. His homestead has all modern improvements, fine buildings for his stock, implements, grain, and other products. His is one of the model farms of northeastern Nebraska. He has taken a lively interest in all matters pertaining to agriculture and horticulture, and is thoroughly informed on all matters that relate to his vocation. In politics he is independent, and he has never sought political honors. He was married Feb. 22, 1866, to Mary Giltner Strange, widow of John Strange of Burt county. To Mr. and Mrs. Lydick ten children have been born, namely: William, married to Belle Musick; Cora J.; Walter B., married to Minnie Holliday; Alvin, married to Millie Holliday; Samuel J.; James; Rose M.; Hiram C., Jr. (nicknamed "Jake"); and Jonathan J.; Lillie May died at the age of eighteen months.

LYDICK, JONATHAN, a prominent farmer of Arizona township, Burt county, Neb., was born in Knox county, O., Jan. 9, 1827, son of William and Eva R. (Carpenter) Lydick. He was educated in the common schools of Ohio, and when he was eighteen years of age, in 1845, his family removed to Jefferson county, Ia., and settled on a farm. Eighteen months later his father died, and the management of the farm and the principal care of the family developed upon Jonathan. For eleven years he remained upon the Iowa homestead, then in 1856 settled in Nebraska, and was one of the pioneers in Arizona township, Burt county, where he preempted a quarter-section of land on which he has ever since lived. Through industry and thrift he has been successful in business, has gradually added to his original homestead of 160 acres, and is the owner of 1,600 acres in Burt county, much of which is improved land. He has carried on diversified farming, giving particular attention to the raising of cattle and hogs. Mr. Lydick has never sought political honors. Early in life he was a democrat, but of late years has been an independent in local affairs, always giving his support to the candidates who in his judgment were best fitted for office.

McCARTNEY, ALLEN THOMPSON, pioneer of Nebraska City, Neb., was born in Jefferson county, Ind., Dec. 2, 1827. He is a son of William McCartney, a farmer in moderate circumstances, and Provy (Thompson) McCartney, both natives of Kentucky. A. T. McCartney acquired a common school education, and resided in Indiana until his removal to Nebraska, where he settled at Nebraska City, Apr. 1, 1857. During his young

ALLEN T. M'CARTNEY

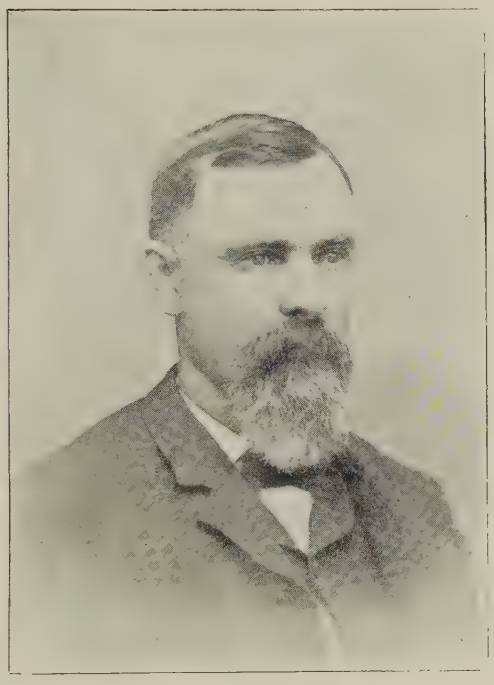
manhood he engaged for a time in teaching school, and Feb. 15, 1850, he was married to Ellen Dodson Van Horn, who, with their three children, accompanied him to Nebraska, making the journey overland in a covered wagon. Arriving in Nebraska, Mr. McCartney engaged in farming, which he has ever since followed with moderate success. He was elected to represent Otoe county in the territorial legislature, serving in the lower house

at the ninth session, which convened at Omaha, Jan. 7, 1864, and adjourned Feb. 16, 1864. He also represented the 6th district, Otoe county, in the house of representatives of the fifth, sixth, and seventh sessions of the state legislature—1869–70. During this period of service he was a member of the committee on schools, and assisted in framing the present public school law of the state. In 1864 Mr. McCartney moved to a farm eight miles northwest of Nebraska City, where he still lives. He is a member of the Methodist Episcopal church at Wyoming, Otoe county, of which he was practically the founder. To Mr. and Mrs. McCartney eight children were born, three of whom are living: Mrs. C. C. West, Dunbar, Neb.; Frank McCartney, postmaster at Nebraska City; and Edgar A. McCartney, of the firm of E. M. Chase & Co., manufacturers of baking powders and extracts, Nebraska City, Neb.

McDONALD, CHARLES, pioneer banker, was born Oct. 25, 1826, in Jefferson county, Tenn. He is the son of Alexander and Mary (McClister) McDonald, who came from a long line of distinguished ancestors. Alexander McDonald was born in Virginia. He was of Scotch parents, and his grandfather, who came to America in the early part of the eighteenth century, served on Washington's staff during the Revolutionary war. Alexander McDonald was a volunteer under General Cocke, who raised troops to repel the Indian outbreak about 1812. The greater part of his life was spent in Tennessee as a farmer. For twelve years he was a justice of the peace. Mary McClister was a native of Pennsylvania and was born in 1788. Her father, James McClister, came to the United States from North Ireland before the Revolutionary war and served as a private under Washington in the battle of Trenton. His daughter Mary received a common school education and when twenty-two years of age was married to Alexander McDonald. To them were born eleven children, Charles McDonald being the ninth. She died in Hamilton county, Tenn., in 1846, her husband surviving her over a quarter of a century. Both were members of the Cumberland Presbyterian church. Charles McDonald remained with his father until his majority, working upon the farm in the summer and attending the district schools in winter, which was his only opportunity of getting an education. When he was twenty-three years of age he began farming for himself, but continued at it only one year. He came to Nebraska in 1855, settling first where Peru now stands, later at Nebraska City, and then near Pawnee City in the fall of 1855. He remained there two years and then moved to Salem, Richardson county. In Dec., 1859, he went to Cottonwood Springs, Lincoln county, where he remained until 1872, when he moved to North Platte, which has since been his home. When living near Pawnee City and Salem he acted as land agent for settlers coming into the territory, and at Cottonwood Springs he had a ranch and also kept a general store. In the fall of 1873 he opened a general mercantile business at North Platte in which he continued until Jan., 1899. In 1878 he opened a private bank in connection with his general store, but since closing out the store in 1899 he has given his entire time to the "Bank of Charles McDonald." Mr. McDonald is a democrat and an enthusiastic member of his party. During the early days of the territory and state he took a prominent part in political affairs. He was a member of the house in the territorial assembly of 1855 from Pawnee and Richardson counties, and in 1856 was a member of the territorial council, serving two years. He has been a member of the Masonic order since 1850. Mr. McDonald was married Oct. 14, 1858, to Miss Ona B. Henry of Omaha, but who was a native of Madison county, N. Y. She was the daughter of Anan and Lucy (Swift) Henry of Massachusetts. Seven children were born to them: Frank, deceased; William H.; Nettie V., wife of W. C. Reynolds; Charles A. and George W., both deceased; James B.; and Callie E., wife of Frank L. Mooney. Mrs. McDonald died at her home, Dec. 28, 1898.

McHIRRON, HENRY CLAY, Nebraska pioneer and prominent citizen of Pender, Thurston county, was born in Whitehall, Green county, Ill., Dec. 23, 1838, son of Stephen and Frances McHirron. He was educated in the common schools and learned steam engineering from his father, and later learned the trade of sawyer. He came to Nebraska in Sept., 1856, and during the following winter cut saw logs and lumber near Rock Bluffs. In the summer of 1858 he went to Salt Lake, and from there went to California, where he followed mining until the outbreak of the Civil war, when he enlisted in Co. A, 3d Regt. Cal. Vol. Inf., and served on the plains of Nevada and Utah from Sept., 1861, until mustered out of service at Camp Douglas, Utah, in Oct., 1864. He then returned to Nebraska, remaining for a short time at Nebraska City. He then went to Springfield, Ill., and enlisted in Co. F, 2d Regt. U. S.

Vet., and served until the end of the war, his regiment being under command of General Hancock. After he left the army he returned to Nebraska and for a time worked for the U. P. R. R. Co., then engaged in the lumber business. Later he went to Sloan, Ia., and there built a sawmill. Afterwards he was in business at Sioux City, Ia., and Decatur, Neb. Upon the founding of the town of Pender, he removed to that place



HENRY C. M'HIRRON

and engaged in the lumber and coal business, being a member of the firm of Maryott & McHirron. In 1895 Mr. McHirron sold his interest in the business to his partner and retired. He has been a member of the Masonic order for many years, and is a member of the Methodist Episcopal church. In politics he has always been a republican, though he has never been a seeker after office. Mr. McHirron was married Nov. 1, 1869, to Mary C. Kinsley, who died in the winter of 1881, the mother of four children, namely: Frances, Nellie, Olive, and Sidney McHirron. Mr. McHirron was married Nov. 2, 1884, to Sarah Southwell, and four children have been born to them: Bernice, Jennie, Glenn, and Charles.

McLAUGHLIN, DAVID HENRY, retired merchant, of Brownville, was born in Franklin county, Pa., Oct. 26, 1833, son of James and Amelia (Newcomer) McLaughlin, the former a farmer in Pennsylvania and later a hotel keeper at Clear Spring, Md., from 1836 to 1840. Mrs. McLaughlin became a paralytic in 1854, but lived to a round old age, dying in 1899. David H. McLaughlin was educated in the district schools of Pennsylvania, much of the time walking three miles to be taught. He learned the milling trade, and in 1857 removed to Nebraska, settling at Brownville, where he engaged in the land agency business in company with Charles G. Dorsey under the name of McLaughlin & Dorsey. He was appointed agent of the United States Express Co., in which he was succeeded in 1859 by the late John L. Carson. A year later, 1860, he went to what is now Jefferson county, Neb., and engaged in ranching, conducting what was formerly known as the James McCandless ranch, McCandless having been killed in 1861 by "Wild Bill." In 1858 Mr. McLaughlin started a flouring mill for Charles B. Smith and Alexander Davis, at Omaha, and soon after opened a grocery store at Brownville. In 1867 he was employed at civil engineering on the line of the B. & Ft. K. R. R. In 1868–70 he was engaged in the furniture business at Brownville, under the firm name of McFall & Co. In 1872 he went to Chicago and became the assistant manager of a distillery. In 1874 he was a civil engineer for the government in Missouri and Iowa. From 1879 to 1882 he ran a flouring mill at Glen Rock, Neb., and in 1882 started a grocery and queensware store at Brownville, which he continued until Jan. 25, 1899, when his business place was burned. In 1892–93 Mr. McLaughlin suffered from a stroke of facial paralysis, which, however, did not compel his retirement from business. In 1894–95 he engaged in prospecting for coal in Nemaha county. He sunk two shafts, and at the depth of 500 feet struck a vein of soft coal from five to seven feet in thickness, and of fairly good quality. And at the depth of 182 feet he struck a three-foot vein of very fine blacksmith coal. After the loss of his mercantile business by fire, 1899, he engaged in raising Duroc-Jersey hogs and Jersey cattle. In 1895 and 1896 Mr. McLaughlin served as mayor of Brownville. He has always been a democrat and an earnest worker in the ranks of his party. During the Civil war he was a member of the 2d Neb. Regt. He is a member of the I. O. O. F., of which he is a vice-grand and noble grand; is also a member of the Knights of Pythias, Modern Woodmen of America, and the Royal Highlanders. He was married in 1861 to

Kezia Masters, and has two children, Charles B., born July 12, 1862, now a resident of York, Neb., and Howard D., born in 1866, in the train service of the M. P. R. R.

MACCUAIG, DONALD, deceased, Nebraska pioneer, was born at Port Ellen on Islay, one of the western islands of Scotland, Feb. 8, 1835, son of Duncan and Jessie (Hunter) Maccuaig. He was of pure Highland ancestry, his family belonging to the MacLeod clan. He was educated in the common schools of his birthplace, and emigrated to America in 1856, landing in New York city July 4 of that year. He went to Green Bay, Wis., and during the winter taught school. In the spring of 1857 he removed to Nebraska and settled on a homestead about ten miles southwest of Nebraska City. For sixteen years he gave his attention to the cultivation of his farm. In 1873 he was elected to the office of county clerk of Otoe county, and moved his family into Nebraska City, which place he made his home up to the time of his death. He filled the office of county clerk for six years. During the last half of Cleveland's first administration he was postmaster at Nebraska City. Under the second administration of Cleveland, Mr. Maccuaig served as chief clerk of Hon. J. Sterling Morton, Secretary of Agriculture. Mr. Maccuaig was married Dec. 3, 1860, to Elizabeth, daughter of Andrew Cook, who was born in England, and with her parents settled in Otoe county, Neb., while quite young. Eight children were born to Mr. and Mrs. Maccuaig: Duncan A., Andrew, Hannah, now Mrs. A. T. Richardson, Margaret, Elizabeth, Florence, Mary, and Ruth. Mr. Maccuaig died Feb. 20, 1902, at his home in Nebraska City.

MAJORS, THOMAS JEFFERSON, ex-member of Congress and ex-lieutenant governor of Nebraska, was born in Jefferson county, Ia., June 25, 1841, son of Sterling Perry and Ann (Brown) Majors. Numerous members of the Majors family have attained prominence in the South, where their ancestors settled early in the colonial days. Elijah Majors was born in South Carolina, descending from Scotch-Irish stock which supplied a number of soldiers to the American side during the Revolution. While a young man he became a resident of Simpson county, Ky., where he married and reared a family. One of his sons, Sterling Perry, married Ann Brown, a native of Simpson county, and also a descendant of a Scotch-Irish family, long residents of Kentucky. In 1837 he joined the pioneers of Jefferson county, Ia., and was one of the first storekeepers in that part of the state. His son, Thomas J., was educated in the public schools and trained in business in his father's store. In 1859, when he was only eighteen years old, with a stock of goods taken from his father's supply, he removed to Nebraska, and started in business at Peru, at that time of importance only as a trading post. He conducted this store until Lincoln issued his first call for troops in 1861, when he went to Omaha, and enlisted for three years in Co. C, 1st Regt. Neb. Inf., and at the expiration of his term of service reenlisted and served until

THOMAS J. MAJORS

the end of the war—in all, five years and fifteen days. This company was in continuous service longer than any other company in the volunteer army. With his regiment he served in many of the important engagements, including Ft. Donelson, Black Water, Shiloh, and Siege of Corinth. He was at Memphis soon after its capitulation and from there went to Helena, Ark., then to Cape Girardeau, and to Batesville. At Cape Girardeau his horse was shot from under him. Colonel Majors entered the army as first lieutenant, in six months was promoted to be captain, in 1864 to be major, in 1865 was made lieutenant-colonel, and served as such until he was mustered out at Omaha, Neb., June 30, 1866. Having returned to his home in Peru, he was elected a member of the Nebraska territorial council in the fall of 1866; and in 1867 he was elected the first state senator from his (the 2d) district, and at the expiration of his term was reelected. Twice afterwards he was elected to the same office, and in 1888 was elected to

the lower house of the legislature. In 1890 he was elected lieutenant-governor when L. D. Richards, the republican nominee for governor, was defeated, thus leaving the state with a democratic governor and a republican lieutenant-governor. He was reelected in 1892. In 1894 Colonel Majors was the republican nominee for governor, and though he received 94,613 votes, the fusionists defeated him by about 3,000. He was elected to fill the unexpired term in the 45th Congress, caused by the death of Congressman Frank Welsh. Colonel Majors has always been active and prominent in politics. He was appointed by President Grant assessor of internal revenue of the district of Nebraska. Mainly through his untiring efforts the State Normal school was located at Peru. After the establishment of this school Mr. Majors attended it as a student one year. An appropriation of $75,000 for the improvement and support of this school, which Colonel Majors was active in procuring from the legislature of 1901, was vetoed by Governor Dietrich. For a third of a century Colonel Majors has made his home on his farm, which embraces nearly a thousand acres in Nemaha county, near Peru. There he carries on an extensive stock business in connection with general farming. He is one of the directors of the Citizens' State bank of Peru, and has various other financial interests. He is a prominent member of the G. A. R., in which he has held all the offices from department commander down, and has been a member of the national council of administration of the organization. He is also a member of the Loyal Legion, and is one of the charter members of the Peru lodge of the A. F. & A. M.

In 1870 Colonel Majors was married to Miss Isabelle Bushong, daughter of John and Lucinda (Munson) Bushong, and four sons and one daughter have been born to them, namely: Frank P. Majors, superintendent of the public schools of Peru, Neb.; James H., a farmer; Thomas A., the railroad station agent at Geneva, Neb.; Charles W., the youngest son, and the daughter, Gladys Majors, reside at home.

MAJORS, WILSON E., pioneer, Peru, Neb., was born in Jefferson county, Ia. His father and mother were natives of Kentucky, and removed to Nebraska from Iowa, where the father had been prominent in business and politics, being a member of the legislature and of the constitutional convention. At the age of sixteen, after attending the country schools for several years, Wilson E. Majors had one year in the high school and two years in the state normal school. The family moved to Peru, Neb., in 1861, and he was engaged in his father's general store. When, a few months later, Nebraska sent her first regiment to the front to battle for the Union, he enlisted at Brownville in Co. C and was commissioned second lieutenant of the company. When mustered out of the service, July 1, 1866, he was acting adjutant of the regiment. Returning to Nebraska, he engaged in farming, meeting with the success that comes to every man who intelligently cultivates Nebraska soil. Although engaged in agricultural pursuits he found time to take part in politics as an ardent republican. During General Grant's administrations he was appointed assistant assessor of internal revenue at Nebraska City and held this position four years. His standing in his own community is evinced by the fact that he was thrice elected clerk of Nemaha county. Although not a member of any church, he gives liberally to all and shows a decided interest in the Methodist church, that being the church of his wife, mother, and father. He is a member of the G. A. R., Martin Stowell Post No. 302, Department of Nebraska, and has served as the post's commander. On Oct. 6, 1871, he was married to Olive C. Nickell. Four children were born to them: Bessie, now Mrs. Van Vleet; Barbara, now Mrs. William L. Davenport; H. P., and Andrew D., all of whom survive the wife and mother, who died Mar. 14, 1888. Industry and economy have enabled Mr. Majors to retire from active farm work, and his splendid farm of 400 acres contiguous to Peru is rented. He spends most of his time on the home place, raising fruits of all kinds and enjoying the results of his early toil. He has given Nebraska the best years of an industrious and unselfish life, and has neglected no opportunity to advance the interests of the state and his home community.

MARKEL, JACOB ELY, is widely known as a Boniface, while to the people of Omaha he is known generally as a remarkably successful business man. Mr. Markel was born in Canton, Lewis county, Mo., Mar. 14, 1845. His father, also Jacob by name, was a carpenter, who at the age of ten years left his father's home and went to Cincinnati, O., where he acquired the trade which he followed through life with varying success. The elder Markel spent a number of the early years of his manhood in the South. He had charge of the construction of the capitol buildings of both Mississippi and Tennessee. Later he removed to Jacksonville, Ill., then the capital of that state, where he was interested in

the construction of the old capitol building. It was there that he met and married Eunice Sweet, a native of Erie, Pa., who had lived at Jacksonville from childhood. She was the daughter of a minister of the Christian church, of which she remained a member during her life. She soon afterwards accompanied her husband to Canton, Mo., where the younger Jacob was born.

Jacob Ely Markel earned his first money as a helper in rafting lumber on the Mississippi river at his home town at the age of ten years. School facilities were then decidedly limited, and it was not until after he was eighteen years of age that he had any schooling whatever, and that was limited to one winter's training at night school. While Mr. Markel was still in his early boyhood his father established a bakery shop in Canton, and here the future Boniface learned the trade of baker, and after a few years he went to St. Louis, where he continued in that calling. At the age of twenty-one years he removed to Omaha as a baker on the river steamer Colorado, then in the packet line operating between St. Joseph, Mo., and Omaha. He reached the latter city July 11, 1866, and at once took charge of a fruit and vegetable market established by J. B. Kief, steward of the Colorado, at a salary of $35 a month and board. He remained in this position for fourteen months, making considerable money for his employer, and when Kief decided to locate permanently in St. Joseph, Mr. Markel succeeded him. He continued in the fruit and vegetable trade until the summer of 1868, when he formed a partnership with Milan Hunt and Frank Kleffner in the grocery business, their store being located at the corner of 15th and Douglas Sts. In 1869 he started a bakery on Douglas St., between 14th and 15th Sts., and continued in that business at different localities until the spring of 1872. Meantime, in the spring of 1871, he was elected chief engineer of the Omaha fire department, which position he held until the fall of the following year, when he formed a partnership with P. J. Sullivan to conduct the eating house and lunch counter at the U. P. R. R. depot in Omaha. It was here that Mr. Markel appears to have found his field of greatest usefulness, for with the exception of the five years between 1889 and 1894 he has been thus employed ever since, his business growing meantime until he acquired the operation of railway eating houses all along the line of the U. P. road from Council Bluffs, Ia., to Huntington, Ore. He also operated hotels in a number of cities, among them being the Millard at Omaha and the Lincoln at Lincoln, Neb. At the beginning of the Civil war Mr. Markel was a member of a local military company at Canton, Mo., for which he was drummer boy. This company was divided into about equal parts by the dissensions that ensued when war began, and on July 4, 1861, it was broken up, about half going to the southern army and the other half to the northern. He became a drummer boy in Bissell's regiment, and after about a year of service he was taken sick at Cape Girardeau and sent home for rest. He was with the 21st Mo. Regt. at the battle of Shiloh, after which, being unable to stand the hardships of campaigning, he was discharged from further service. Mr. Markel has been a member of the Masonic fraternity for many years. In politics he affiliated with the Democratic party all his life until the campaign of 1896, when he joined the Republican party. On Aug. 2, 1868, he was married to Henrietta Corbin at Omaha. Two children were born to them, Pryor L. and Jacob E. Only the former is now living, the latter having died at the age of four years. Mrs. Henrietta Markel died in Oct., 1876, and on Oct. 19, 1898, Mr. Markel married Miss Pauline V. Wadleigh.

MARSH, WILLIAM WALLACE, deceased, was born in Cuttingsville, Rutland county, Vt., Oct. 14, 1832. His antecedents were English, and he was fourth in the line of descent from William Marsh, who, with his brother, came from England and settled in Connecticut. Through the four generations of Americans the name of William Marsh has been handed from father to son, down to the subject of this sketch, and by him was transmitted to one of his own sons. The father of William Wallace Marsh was a Vermont merchant. His education was begun in the common schools of his native town, and it was completed at Black River academy in Ludlow, Vt., from which he was graduated and was for many years a member of its board of trustees. After leaving school he began his active business life as a clerk in a store, first at his native town and later in Ludlow. After he was twenty-one years old he spent two years in assisting his sister, who was administratrix, in settling up his father's estate, and shortly before he had reached his twenty-third birthday he started west, stopping first at Galena, Ill., and then at Dubuque, Ia., at which place he passed the fall and winter of 1855–56. In the spring of the latter year he pushed on by stage from Dubuque to Sioux

City, and soon after his arrival in the latter city preempted a claim in Dakota county, Neb. He lived upon this claim until Apr., 1857, when he returned to Vermont, settled up his affairs in that state, and again came west. The year 1858 was spent upon his farm in Nebraska, and nature rewarded his toil with a splendid crop of corn. During the following four years, terminating in the fall of 1862, Mr. Marsh was engaged in the stage business and carrying the United States mails on contracts. Among his routes were those between Dakota City and Niobrara in Nebraska, and Sioux City and Ft. Randall. His headquarters were in Sioux City. Upon retiring from this employment in the fall of 1862 he purchased an interest in the Council Bluffs & Nebraska Ferry Co., of which he became manager. Five years later he became also overseer of the affairs of the Missouri River Transfer Co., which was later merged into the Union Pacific Transfer Co., which continued business until the completion of the U. P. R. R. bridge at Omaha in 1872. The opening of this bridge for traffic stopped the ferry business, and during the following year Mr. Marsh was not actively employed. In the summer of 1873 he purchased a controlling interest in the Omaha Horse Ry., and in 1878, when the property was sold by the sheriff to satisfy mortgages against it, Mr. Marsh purchased it for about $25,000. In 1883, after he had improved the line and made important extensions, he disposed of three-fifths of his interest, one-fifth each to S. H. H. Clark, Guy C. Barton, and Frank Murphy, on a basis of a valuation of $500,000. During the six years following, the era of Omaha's most rapid growth, the trackage of the company was largely extended, and in 1889 a consolidation was effected with the Omaha Cable Tramway Co., and the present Omaha Street Ry. Co. was organized with a capital stock of $5,000,000. This company has since absorbed all other street railway lines in Omaha and Council Bluffs. Mr. Marsh was treasurer of the company for many years. In July, 1886, the Union National bank was organized, Mr. Marsh being elected to the presidency, which office he held up to the time of his death. Among other enterprises with which he was connected were the Wyoming Stage Co., Glencoe Mills, Goodman Packing Co., and the Gedney Pickle Co. In 1872 he was elected a member of the city council, serving for one term, and in 1876 became a member of the board of education, serving for five years, the last year of his service being as president of the board. In Jan., 1863, he was married at Ida Grove, Ida county, Ia., to Flora M. Atwood, a native of Livermore Falls, Me., who bore him four sons: Charles, Frank, William, and Allan, all of whom continue to reside in Omaha with their widowed mother. Mr. Marsh died Apr. 2, 1901, at Nassau, New Providence, West Indies, wither he had gone for his health, accompanied by his wife and youngest son, Allan. He was a genial, generous, kind-hearted man to whom his associates were much attached.

MARVIN, GEORGE PENDLETON, pioneer of Nebraska, editor of the Gage County *Democrat*, and Beatrice Daily *Sun*, was born at Shullsburg, Wis., Mar. 24, 1851. He is a son of J. J. and Elizabeth (Ware) Marvin, the former a native of New York and a lawyer by profession, the latter born in the fort at Galena, Ill., during the Black Hawk war. Mr. and Mrs. J. J. Marvin removed from Wisconsin to Nebraska territory in Oct., 1859, settling first at Salem, Richardson county, and later moving to Falls City, where both died and are buried. George P. Marvin acquired his education in the public schools and in the printing office. He accompanied his parents to Nebraska in 1859, and from Falls City removed to Rulo, and later to Brownville, where he entered the office of the Nebraska *Advertiser*, living with the family of Editor Furnas during the war. Thomas R. Fisher was editor of the *Advertiser* while Furnas served in the army. Mr. Marvin is a practical printer, and has been engaged as such in one capacity or another for nearly forty years. From 1865 to 1869 inclusive he was engaged in freighting upon the plains, as "bull whacker" and "mule skinner." In 1879 he founded the Gage County *Democrat*, of which he has since been editor and publisher. He is at present printing the *Democrat* weekly, and the Beatrice Daily *Sun* every morning. Politically Mr. Marvin is an old line democrat, or, as he says, a "Morton democrat, who bolted when the pops took charge of the party." He was a delegate to the national convention that nominated Grover Cleveland for the first time, and was appointed postmaster at Beatrice during Cleveland's second administration. He was a member of the Beatrice city council in 1892, was president of the council, and acting mayor for part of his term. He is a member of the I. O. O. F. and of the Knights of Pythias. Mr. Marvin has had rather an active and adventuresome career, even for a pioneer. He has witnessed the changes of nearly half a century, which have been far more marked than is usual even in new communities. He

was a resident of Richardson county when the county seat was removed from Salem to Falls City in 1860, and had personal knowledge of the killing of Dr. Davis by Thomas J. Meeks, who was in turn killed by Dr. Dunn. Dunn was a resident of Salem, and the Falls City people surrounded the hotel and were going to mob him, but he made his escape. Holbrook of Rulo was there as a friend of Davis, and while trying to make his escape was captured by the mob. Tesson, a French trader, with a Sac wife, at the head of a number of Sac and Fox Indians, threatened that if Holbrook was harmed they would bring over the Indians from Sactown, or Sauktown, two miles distant, and burn the town. These exciting events all occurred the same day. It was while he was employed upon the *Advertiser* at Brownville, during the war, that the raid was made upon "Johnnycake Ridge" resulting in the capture of sixteen horse thieves at a singing school, by Lieutenant Murphy, of the 7th Ia., who confined his prisoners at Brownville. Mr. Marvin was on the ground a few minutes after the murder of Tobe Hanley in Todd's field, west of Brownville, which event created no little excitement, even for a frontier town. In addition to crossing the plains several times as a teamster, Mr. Marvin worked upon the construction of the U. P. R. R., from Julesburg west, either in the grading camps or as a freighter of supplies, and was present at the exercises attending the driving of the last spike at Ogden. He carried the tickets from the Missouri river to Beatrice for the election of 1866, when Morton ran against Butler for governor. And altogether he has participated in the stirring events of the past forty years to as large a degree perhaps as any man now living. Mr. Marvin was married at Falls City to Ann R. May, daughter of Rev. D. H. May, a pioneer Methodist Episcopal preacher in Nebraska, and the man who preached the first sermon in Beatrice, in 1856. Five children have been born to Mr. and Mrs. Marvin, three of whom are living: Francis, born Jan. 6, 1877; Earl Morton, born Jan. 17, 1884; and Paul Dwight, born July 9, 1885.

MAXWELL, SAMUEL, farmer, judge of the supreme court of Nebraska, and author of Maxwell's Pleading and Practice, was born on a farm near Lodi, N. Y., May 20, 1825, and died at Fremont, Neb., Feb. 11, 1901. He was descended from one of the oldest families of the eastern states, and was born of wealthy parents. His father, Robert Maxwell, for many years was prominent in business and financial circles, and while his family were yet young, through becoming security for others, lost the greater part of his fortune. The mother of Judge Maxwell, who in maidenhood was Margaret Crosby, was of a wealthy family, and had secured a thorough education in the classics and the languages. She directed the education of her children, and to her chiefly is due the credit for the love of knowledge inculcated in the mind of her son, who was destined to fill an important place in public life. Judge Maxwell's early education, other than he received at his mother's knee, was obtained in the public schools and though not extensive was thorough. After the failure of his father, and the family was reduced to humble circumstances, in 1844 they removed to Michigan. There Samuel Maxwell became the chief support of his parents and other members of the family. For a year he worked as an ordinary laborer, then became a school teacher, devoting his time to teaching during the winters and attending to work on the farm his father had acquired during the summer seasons. For several years he thus struggled with fortune, bending every energy to gain a competence for his parents, which he finally succeeded in doing. This accomplished, in 1856 he removed to Nebraska, and purchased a tract of land near Plattsmouth in Cass county. During the summer he broke about forty acres of his claim, and the following winter worked at splitting and hauling rails to enclose about a hundred acres belonging to a neighbor. In 1857 he was induced by his friends to become a candidate for the territorial legislature, but as he refused to make a canvass he was defeated by one of a number of other candidates. Prior to coming to Nebraska he had studied law, and desired to complete his reading. He rented his farm, returned to Michigan, and entered the office of his brother, A. C. Maxwell, then prominent as a lawyer at Bay City. In 1859 he was admitted to the bar, passing the required examination necessary for admission in open court. He then returned to Nebraska, was elected a delegate to the first Republican territorial convention, and was elected a member of the territorial legislature. Soon after, he opened a law office and commenced active practice. In June, 1864, he was elected a member of the first constitutional convention; the same year was elected again to the legislature, and made chairman of the house judiciary committee. In 1866 he was made a member of the 1st state legislature, which met in Omaha in July of that year. In the fall he refused to become a can-

Samuel Maxwell

didate for reelection. In Mar., 1867, he formed a copartnership with James G. Chapman, and under the firm name of Maxwell & Chapman opened an office at Plattsmouth. This partnership existed until 1872. In 1871 Mr. Maxwell was elected a member of the constitutional convention, and made chairman of the suffrage, and a member of the judiciary committees. In 1872 he was elected a judge of the supreme court for a term of six years, beginning Jan. 16, 1873, the judges of the supreme court at that time also sitting as judges of the district court, and he was assigned to the 3d district, which embraced all territory north of the Platte river, excepting Douglas and Sarpy counties. In 1875, under the new constitution, he was elected to the supreme bench, and drew the six-year term. He then closed up his affairs at Plattsmouth and removed his family to Fremont, where he continued to make his home until his death. In 1881 Judge Maxwell was reelected to succeed himself on the supreme bench, and at the expiration of his six-years term, was again reelected for another six years, but in 1893, at the close of his third term, he failed of renomination. He was chief justice from May 29, 1878, to Jan. 5, 1882; Jan. 7, 1886, to Jan. 5, 1888; and from Jan. 7, 1892, to Jan. 4, 1894. In 1877 Judge Maxwell prepared a digest of Nebraska reports, two years later issued a valuable work on "Practice in Justice Courts," and in 1880 presented to the public his greatest work, Maxwell's Pleading and Practice, which has passed through a number of editions and is recognized as a standard authority. For three years after retiring from the supreme bench he practiced law in Fremont In 1896 he was elected to Congress and served one term. He was defeated for nomination in 1898, and then, until his death, gave his attention to legal practice and to a revision of his law publications. As a judge of the supreme court, his decisions were marked for their erudition, their broad and comprehensive interpretation of the law, and their fine construction from a literary and legal standpoint. He was a conscientious worker, and it was by faithful application to his chosen profession that he attained an eminent place and maintained his standing in the front rank of the bar of the West. His name stands honored among the members of the Nebraska Bar association as one of its most able and respected members. Judge Maxwell was one of the organizers of the Nebraska State Historical Society, and took an active part in all its doings, and to its collections at different times made valuable contributions. During his life in Nebraska only the most favorable criticism has been bestowed upon him as a lawyer and as one in high public station. His private life was an ideal one—devoted to his home and family, and at his death he was contented in knowing that all his children were well started in life. He left a modest though comfortable legacy to his children. Judge Maxwell was three times married. His first wife was Amelia A. Lawrence of Michigan. His second wife was Jenette M. McCord of Cass county, Neb., and two children were born to them. One died in infancy and the other, Maggie Maxwell Ferguson, resides in Winchester, Mass. His third marriage occurred in 1860 to Elizabeth A. Adams of Cass county, who still survives him, and now (1905) resides in Fremont. Nine children were born of this union, one dying in infancy. Those living are: Henry E., attorney-at-law, Omaha; Jacob A., Philadelphia; Ella E., Fremont; Andrew C., residing upon a farm in Cass county; Marrilla P., Anna May, Samuel, and Sarah Hart, at the family home in Fremont.

MERCER, CAPT. JOHN JACKSON, of Omaha, is a descendant from old colonial Pennsylvania stock. Amos Mercer, his

CAPTAIN JOHN J. MERCER

great grandfather, was a farmer in fair circumstances in Armstrong county, Pa., before the Revolutionary war; his wife was Mary

Mitchell. Their oldest son, David Mercer, was born in Armstrong county in 1777. He became a farmer, lived out his years in the same locality, and died there in 1857 in moderate circumstances. His son, Amos Mercer, father of John J. Mercer, was born Feb. 20, 1804, became a mechanic and farmer, and the annals of Armstrong county show that he not only served two terms as a county commissioner in civil affairs, but also became a brigadier-general of Pennsylvania volunteers. He was in moderate circumstances when he died while on a visit to Kansas in 1873.

Captain Mercer's mother was Rachel Rymer, who was married to Amos Mercer in Armstrong county in 1824, and who died at the same place in 1877. Her uncle, Fred Hillard, was commissioned major of cavalry in the War of 1812. Capt. J. J. Mercer was born at New Bethlehem, Clarion county, Pa., Jan. 1, 1833. His early education was such as it was possible to secure by three months' attendance each year for three years at the village school. After leaving school he learned the blacksmith's trade, which he followed for twenty years, five of which were spent in Pennsylvania. In 1854 he removed to Iowa and settled in Benton county, about six miles south of Vinton. Here he followed his trade until 1859, then removed to Adams county, Ill., where he continued his trade until he enlisted in the Union army. It was at Liberty, Adams county, Ill., Aug. 7, 1862, that Mr. Mercer enlisted in what was afterwards known as Co. E, 78th Regt. Ill. Vol. Inf. The regiment went into camp at Quincy, Ill., and was subsequently attached to Buell's army at Louisville, Ky. Throughout the war it saw the most active service, participating in the campaign with General Rosecrans in the battles at Lexington, Franklin, Shelbyville, Chickamauga, and in the campaign in East Tennessee under General Sherman, at Tunnel Hill, Rocky Face Ridge, Buzzard Roost, Dalton and Rome, Resaca, Dallas, Big Shanty, Kenesaw mountain, Chattahoochee river, Peach Tree creek, Jonesboro, and the Siege of Atlanta. It was sent to Huntsville and Florence, Ala., after Forrest, and drove him from that state. At the close of those campaigns the regiment returned to Chattanooga and thence went south to Gainesville and was under General Schofield. From Gainesville it went to Rome, there took the railway for Atlanta, and accompanied Sherman on his famous march to the sea. Reaching Savannah, Dec. 22, 1864, it remained there until Jan., 1865, when it proceeded with Sherman through the Carolinas, participating in numerous skirmishes, and also in the big battle of Averyboro and at Bentonville, Mar. 19–21. After two weeks in camp at Goldsboro, N. C., it was started after Gen. Joseph E. Johnston, whose surrender soon thereafter terminated active hostilities. Mr. Mercer enlisted as private, but upon the organization of his company he was chosen second lieutenant. In Mar., 1863, he was promoted to be first lieutenant, and at Kenesaw mountain he was advanced to the post of captain. Captain Mercer first settled at Brownville, Neb., in Feb., 1866, and remained there until June of the same year. In that month he returned to Adams county, Ill., and remained until 1868, when he removed his family west, and again took up his residence in Brownville. There he resumed the pursuit of his trade as a blacksmith, also dealing in farm implements. In 1888 he removed to Omaha and has ever since been connected with the quartermaster's department of the army. Until the memorable campaign of 1896 Mr. Mercer had always been a democrat. His first vote was cast for Buchanan for president in 1856, and he followed the democratic standard until the election of 1896, when he cast his first vote for a republican president. He served one term in the Nebraska legislature as a representative from Nemaha county, and was for four years a member of the city council of Brownville, Neb. During his residence in Illinois he was for two terms a member of the board of supervisors of Adams county. Captain Mercer has been prominent in the Masonic and Odd Fellows orders during his residence in Nebraska, and has held many high offices, notably grand master of the Masonic order in Nebraska during the years 1889–90, and grand high priest of Royal Arch Masonry in Nebraska during the year 1899.

In Benton City, Benton county, Ia., in 1856, Captain Mercer was married to Miss Elizabeth Flora. Three children were born to them: David H. Mercer, who served four terms as a member from Nebraska of the lower house of Congress: Clara, now the wife of Charles H. Fowler, a Chicago grain dealer; Minnie, now the wife of C. D. Bell of St. Joseph, Mo.

METZ, FRED, Sr. (deceased), one of the notably successful men of Omaha, was a fair type of the large class of German-Americans found in Nebraska. Mr. Metz was born May 19, 1832, in Marburg, province of Hesse-Darmstadt, Ger., and his ancestors had lived in and near this place for many generations. He was the son of a forester, or guardian of

the game preserves of some of the nobility of the province, and had but meager educational advantages. He was one of seven brothers, one of whom also came to Omaha. Until he was nineteen years old he assisted his father; then he left home and came to America. He landed at New Orleans in 1851 after a voyage of fifty-eight days in a sailing vessel, and years afterward declared that his only assets upon reaching the shores of the great American gulf were millions of vermin, a familiar part of the equipment of the sailing vessels of that day, and one counterfeit dollar. He went on to St. Louis, where he had relatives, on a Mississippi steamboat, and soon after obtained employment as clerk in a dry goods store. In 1856 he passed up the Missouri river to Bellevue, Neb., where he invested his savings in a general merchandise store as a member of the firm of Bartels & Metz. In 1862 Mr. Bartels went to Denver and established a business for the firm in that city. Mr. Metz sold the Bellevue store and followed in 1863, crossing the plains by wagon train and taking with him his own family and that of his partner. It was a journey of great hardships, dangers, and responsibilities, for the Indians were at that time much dreaded by those who were traveling in small parties, and Mr. Metz was unaccompanied except by the women and children of the two families. He reached his destination in safety, however, not without encountering many incidents that were not forgotten while he lived. One of them, while it excited great apprehension for a time, was afterward recalled by Mr. Metz with undisguised pleasure. One evening while in camp the travelers were frightened by the approach of a band of Sioux Indians, but the visitors explained that they were hunting some stock that had gone astray, and concluded their visit with the inevitable request for tobacco. Mr. Metz was fortunately well supplied with that delicacy, and when he had given them a considerable quantity the Indians manifested the greatest friendliness. One of them became profuse in compliments, and looking around upon the two women and many children in the party, ejaculated, "Ugh! Heap good buck!" The Indian builded better than he knew, for in our degenerate days only a German, perhaps, with the wholesome German pride in being the father of a large family, could appreciate his compliment.

In 1856, before removing to Nebraska, Mr. Metz had returned to the fatherland and brought to America his brother Philip, whom he left in St. Louis to learn the brewer's trade. In 1861 Philip had engaged in the brewing business in Omaha, being associated with Joseph Baumann. The brewery was located at 6th and Leavenworth Sts. In 1864 Fred Metz sold out his general merchandise business in Denver and bought the interest of Mr. Baumann in the brewery. The firm of Metz & Bro., thus established, continued successfully in business until 1875, when Philip accidentally shot himself. The firm name was continued until, in 1883, Charles Metz, eldest son of Fred Metz, Sr., bought the interest of his uncle's estate, and Fred Metz, Jr., was also taken into the firm. In 1888 Charles and Fred, Jr., leased the interest of their father in the concern and conducted the business until Sept. 1, 1894, when the present incorporated company was formed with a capital of $250,000, Fred Metz, Sr., being given the honorary position of president of the company, which is known as Metz Bros. Brewing Co., and is operated by the four brothers, Charles, Fred, Jr., Arthur, and Louis R. It is one of the very successful business enterprises of Omaha. In 1899 the company began the erection of a new brewery just across the street from the old one in which it had carried on its business for so many years, and is now settled in one of the handsomest and most substantial brewing establishments in the West. Its equipment is pronounced to be as modern as that of any in the United States. It cost $200,000, which does not include the value of the real estate, and it has a capacity of 75,000 barrels per annum, and furnishes employment to about fifty men.

During the earlier years of his residence in Nebraska Fred Metz, Sr., was a republican, and in the fall of 1870 he was elected state senator from Douglas county, serving in the session of 1871 and participating in the exciting impeachment of Governor Butler, Isaac S. Hascall being his colleague. In the fall of 1884 he was again elected to the state senate, along with John A. McShane, this time as a democrat. In 1896 he was one of the fusion electors in Nebraska, and was unanimously chosen by his associates on the ticket to carry to Washington the vote for Mr. Bryan. For many years during his early residence in Nebraska Mr. Metz was an active member of the Odd Fellows, but he dropped out of the order because of its discrimination against brewers. He was for many years identified with the various German societies of the city, and was one of the organizers of the Omaha Turnverein in 1867. While he was still a clerk in St. Louis Mr. Metz was married, Sept. 1, 1855, to Miss Louisa Jesser

of that city, who died Apr. 12, 1873. She bore him seven children, four boys and three girls, of whom five are now living: Charles, born at Bellevue, Feb. 1, 1861; Fred, Jr., born in Omaha, Apr. 1, 1863; Arthur, born in Omaha, Sept. 11, 1869; Louis R., born in Omaha, Apr. 4, 1873. The surviving daughter is Mrs. Antonio (Metz) Hauck, wife of a well-known St. Louis physician. On Dec. 12, 1877, Mr. Metz was married to Mrs. Baumer of Omaha, who has borne him three children, all now grown. He died Mar. 7, 1901. During his entire business career in Omaha he was regarded as a man of sterling integrity.

MILES, STEPHEN BOYD, pioneer mail contractor and proprietor of stage lines, banker, and capitalist, was born in Hartford county, Md., Jan. 9, 1822, and died at Miles's Ranch, fifteen miles west of Falls City, Neb., Oct. 30, 1898. His ancestry in America originated with Joseph Miles, who came from England in colonial days and was a soldier in the war of the Revolution. The original grant of land to him from the government is still held by members of the family. Stephen Boyd Miles attended the common schools in his youth, but when sixteen years old began to work for his uncle, Stephen Boyd, who was a mail contractor. When he became of age he secured on his own account a contract for carrying the mail between Baltimore and Washington, D. C., which he held from 1844 to 1854, and in addition acquired other mail routes in Pennsylvania and in Maryland. In 1854 he was awarded the contract to carry the mail from Independence, Mo., to Salt Lake City, Utah. The next year he settled in Richardson county, Neb., where he preempted a claim. Here he made his headquarters and cared for his reserve stock of horses and mules. From the main line of his mail route he started branch stage lines in southern Nebraska, northern Kansas, and central Missouri. He conducted these various mail and stage lines until 1866, when he secured contracts to carry the mail in Texas, and there established stage lines in the eastern and central parts of the state. At the expiration of his contracts in Texas, in 1870, he withdrew from the stage and mail business and turned his attention to his real estate, live stock, and banking enterprises. He became noted as a financier, and established many banks. In 1882 he was one of the organizers of the First National bank of Falls City. He was its first president, and continued in this office to within a year of his death. In 1886 he organized the Bank of Rulo, Rulo, Neb., which a year later was made the First National bank, and was its president from the time it was chartered until his death. In 1890 he organized the Miles National bank of Delta, Pa., and was its president until 1894, when he sold his interest in it to his son, Joseph H. Miles. In 1876 he was one of the organizers of the Commercial bank of St. Louis, and was one of its directors for many years. In 1892 he assisted in the establishment of the Bankers' National bank of Chicago, Ill., in which he continued to be a large stockholder until his death. He became a stockholder in the National bank of Missouri, in St. Louis, after the close of the Civil war. In his business undertakings he was very successful, and his high reputation as a financier invited confidence to the various institutions with which he became connected. In 1846, at York, Pa., Mr. Miles became an Odd Fellow, and at his death was one of the oldest members of that order. In 1845 he was married to Hannah Scarbrough of Harford county, Md., and to them four children were born, two sons and two daughters. Only the sons survive, namely: Joseph Harvey Miles of Falls City, who was the cashier of the First National bank of Falls City for a number of years, and was the president of the Miles National bank of Delta, Pa., from 1894 to Jan., 1899, when he resigned to give his entire time to the care of his father's estate; and Samuel Albert Miles, who is a prominent resident of Bethany, Lancaster county, Neb.

MILLER, JOSEPH, associate justice of the territorial supreme court of Nebraska, was born at Chillicothe, O., in Sept., 1819. He received his early education in the "Old Academy," spent several years in the state university at Athens, and was graduated from Miami university, Oxford, O., with the class of 1839. He was admitted to the bar in 1841, and served as prosecuting attorney of Ross county, 1844–48. He was the only native of Chillicothe ever elected to Congress, serving as a democrat in the 35th Congress from Dec. 7, 1857, to Mar. 3, 1859. According to W. H. Hunter, editor Chillicothe *News-Advertiser*, Miller "supported the southern contention as to the Kansas-Nebraska controversy, and this so incensed his constituency that he was defeated for the second term." It is said that he made the second campaign for Congress at the suggestion of Buchanan, who promised him the Nebraska judgeship should he be defeated. In accordance with this promise he was appointed associate justice of the supreme court for Nebraska territory, Apr. 9,

1859, which position he held until after the election of Lincoln. He then returned to Chillicothe, in very poor health, and died there May 27, 1862. Judge Miller had three brothers: James, who became a physician, William Patrick, and Samuel. He married Flora Hopkins, daughter of a portrait painter, and has one son living in Cincinnati and a daughter, Mrs. Flora Sherwood, living at Walnut Hills, Cincinnati. Mrs. Louisa Miller, a widowed sister-in-law of Judge Miller, lives in Chillicothe, and owns the original photograph reproduced on p. 557. This photograph was secured for this publication by Rev. R. C. Galbraith of Chillicothe, to whom the editor is also indebted for much valuable information concerning this pioneer jurist of Nebraska.

MOFFITT, LEWIS, pioneer and founder of Seward, Neb., was born in Winchester, Ind., Dec. 1, 1834, and died July 17, 1900, at Seward. He was the son of Seth and Elizabeth (Hickman) Moffitt, whose ancestors emigrated from Scotland at an early day. They were strong in the Quaker faith, and resided in North Carolina before their removal to Indiana. Mr. Moffitt's educational advantages were limited to the common schools of that day, but through his whole life he was a persistent reader, which supplemented the meager education which he acquired in his boyhood. His youth was spent working on his father's farm, and often after his day's work was over he would toil for hours upon neighboring farms to earn a little spending money. On Mar. 30, 1854, he was married to Mary A., daughter of Jonathan and Mary L. (Mendenhall) Thomas. She was born Oct. 14, 1833, in Greenville, O., and on her father's side is of Welsh descent; her mother was of English and Scotch parentage. Mrs. Moffitt was reared in the Quaker faith and received her education principally in the common schools of Portland, Ind., but attended the seminary there for a few terms. One son was born to Mr. and Mrs. Moffitt, Feb. 21, 1855, but he died May 28, 1874, when only nineteen years old. In 1864 Mr. Moffitt removed to Nebraska and took a homestead on Lincoln creek near Marysville. In the spring of 1865 he removed his family from Newton, Ia., to this homestead and lived there until the following year. He then sold this land and settled on 240 acres of government land that he had entered, which is now the present site of Seward. In May, 1868, the town of Seward was laid out, and Mr. Moffitt sold many lots for building purposes. Much of his original land, however, remains to his estate, and in addition he purchased large tracts of farming lands, which by their increase in value, aided by his industry and economy, have resulted in a handsome fortune. During his life Mr. Moffitt did much for the building of Seward, and gave land for two public parks, and other ground for school and church buildings. Shortly before his death he deeded about 400 acres of land for the benefit of Seward county to aid in the building of a court-house in the public square of Seward. These generous gifts have caused him to be considered a public benefactor and have insured him an enduring monument in the hearts of the people. Mrs. Moffitt was her husband's helpmate in all business in which he engaged, and is entitled equally with him to credit for whatever they achieved and for the very laudable purpose to which the bulk of their property is to be applied. Mr. Moffitt was in attendance at the convention when the Republican party was organized and cast his first vote for General Frémont. He was the second postmaster of Seward, Neb. Mr. and Mrs. Moffitt were members of no church, but affiliated with the Secular Union and Free Thought Federation. Mrs. Moffitt survives her husband and still resides in Seward.

MOORE, LOGAN FONTENELLE, freight claim agent of the C., B. & Q. R. R. Co., Chicago, Ill., was born in Nebraska City, Neb., Dec. 3, 1859; son of James W. Moore and Louise E. Grubb Moore, the former keeper of vaults, bureau of engraving and printing, Washington, D. C. Logan Fontenelle Moore was educated in the public schools and in the Nebraska City college. He entered the railway service in May, 1878, as a helper at the station of the C., B. & Q. R. R. Co. at Riverside, Ill. In Apr., 1879, he was appointed agent at Orient, Ia.; in the December following was transferred to the agency at Sidney, Ia.; six months later was made a claim clerk in the division freight office at Burlington, Ia.; in Dec., 1880, was placed in the freight claim office, in Chicago; in 1884 took charge of the claim department; and in 1896 was appointed to his present position of freight claim agent. Mr. Moore has always been a republican, but never an active political worker. May 24, 1884, he was married to Lillian C. McCarthy, and they have three children, namely: Edna, born in 1886; Margaret, born in 1888; and Fontenelle, born in 1891.

MORGAN, FRANK J., deceased, was a pioneer of Plattsmouth, Cass county, Neb.

His father, the late Miles W. Morgan, was born in Wirt county, W. Va., and belonged to the influential family of that name. After settling in Plattsmouth in 1863 he operated a ferry across the Missouri river at that point for many years, and was well known and respected among the older residents of that portion of the state. During the latter part of his life he was for some years chief of police and street commissioner of the city. He was a man of mild and equable temperament, genial and companionable, and generally liked by all who knew him. He died in Plattsmouth, Dec. 8, 1896, aged a little over sixty-four years. In his youth he married Sarah C. Keeves, who still lives in Plattsmouth. She was born in Ohio, July 22, 1835. Frank J. Morgan was born at Osceola, Ia., Feb. 27, 1863, and was three years old when his family removed to Plattsmouth. He attended the city schools of that place until he was seventeen years old, when he began to support himself. His first dollar was earned soon after he left school by sawing wood for neighbors. Later he taught a country school for one term, and then became a laborer in a brickyard. He next found employment as bill clerk in the office of the C., B. & Q. R. R. at Pacific Junction, Ia. While so employed he lived at the home of his parents in Plattsmouth. In the spring of 1885 he became a clerk in the clothing store of S. & C. Mayer of Plattsmouth, and after six years of diligent service and personal frugality he bought an interest in the business, the style of the new firm being Mayer & Morgan. As the Mayer brothers had started another store in Lincoln, Mr. Morgan was left in charge of the Plattsmouth concern, and on May 1, 1893, he bought the interest of the Mayers, and conducted the business on his own account until his death, Oct. 7, 1904. Mr. Morgan was always an ardent and active democrat, well informed in the history and principles of his party. He was elected city treasurer of Plattsmouth on the democratic ticket in the spring of 1890, and was reelected two years later, serving the four years with credit to himself and to the advantage of the city. In 1892 he became a member of the executive committee of the democratic state committee, and held the position for several years. In 1896 he was a delegate from Nebraska to the Democratic national convention at Chicago, and voted for W. J. Bryan, of whom he was from the first an enthusiastic follower, for the nomination for the Presidency. In 1902 Mr. Morgan led a mass movement to rid Plattsmouth of extravagance in the administration of city affairs, and was elected mayor of the town on the citizens' ticket. Mr. Morgan was a member of the A. O. U. W. for seventeen years, and during that time attended all of the meetings of the grand lodge as a delegate from the Plattsmouth lodge. He was elected grand receiver of the order in 1897, and served by successive reelections until his death. He was also a member of the Masonic, the Mystic Legion, the Royal Tribe of Joseph, and Knights and Ladies of Security lodges of Plattsmouth, and was prominent in the administration of their affairs. He aided in the organization of the Platte Mutual Fire and Insurance Co. of Plattsmouth, in 1893, and was elected one of its directors and its treasurer. Mr. Morgan was married Oct. 15, 1885, to Miss Gertrude E. Swift, of Cass county, who survives him, with their one child, Paul C., born May 3, 1889.

MORTON, J. STERLING. — Nebraska was distinguished in its early life, by which is meant the first settlement, by the high character of the young men who came to the new land in search of home and fortune, and to assist in laying the foundations of social order and civilized government. The Indian still occupied the soil; he had parted with his title under treaty with the United States, but he was still here in the wild plentitude of his aboriginal character and habits. These young men in striking majority brought with them intellectual cultivation and social refinement. In the midst of the chaos which existed here in 1854 they did not forget to cherish the moral and religious elements as the main foundations for the superstructure which they were about to erect. They were representatives of families who fostered the best in their sons. Typical among these young men, J. Sterling Morton, the peer of all in manly strength and ambitions, and the one who, perhaps, was foremost in the rolling years in impressing his personality and influence upon the new community, was on the threshold of manhood life. He was a strong and original character. It may be said that he differed in a wide degree from others who were on the firing lines of leadership in the conquests that were to be made here, in many of his characteristics. His reputation for mental power, incorruptible integrity of conviction, clear-cut mentality, and moral courage in the maintenance of his views long since passed beyond the boundaries of the state, and even before he entered the cabinet of President Cleveland his name was known the wide world over by his most important achievement—the inven-

tion and establishment of Arbor Day, which has won for him enduring fame. On his arrival in Nebraska, and under the lead of Acting Governor Thomas B. Cuming, who became governor of the new territory in 1854 on the death of Governor Burt, Mr. Morton instantly took his position as a powerful personality and political factor and force in the development of this new country. Associated with Wilbur F. Story in his boyhood and while still at school at the University of Michigan at Ann Arbor as a contributor to Mr. Story's paper, the Detroit *Free Press,* his pen marked the bent of the ambitions that were born in him. He had thus early developed the qualities which made him a natural leader of men, which by no means excluded the desire for political distinction, as the record will show. His ideals concentrated his sympathies and efforts upon the home, and upon an ardent desire to make his mark upon the social and material development of the young and growing country. He came to rank among the distinguished men of the United States as a publicist and as a profound student of the economies of government and of the great principles of political and commercial liberty which underlie, and which can alone conserve the welfare of the Republic. In politics Mr. Morton was always a democrat, deserting the political alliances of his father at an early age, and adopting, from principle, the Jeffersonian doctrines. As a political economist of the first rank, Mr. Morton early saw that this was an agricultural country or that it was nothing. He knew that the basis of all wealth is land, and that the true groundwork of modern life and progress is found in intelligent labor devoted to its cultivation. As a writer his style, like his character, was of marked originality and strength. His contributions to the Detroit *Free Press,* which were among his first editorial writings, attracted the attention of Lewis Cass, the great statesman of Michigan. These articles so pleased General Cass that he took the pains to make inquiry about the author, whose first essays in political life were against the organization of "Know-Nothings" which had become a dangerous political force in the country at that time. Mr. Morton was highly complimented by General Cass for his bold attack upon secret societies as being antagonistic to a republican form of government. His whole life has been in consistent line with his early espousal of that political faith which is known to the country as democratic, and nothing could ever swerve him from the support of the principles which underlie it. In this new country, from the beginning, he largely devoted himself to the press and to literary work in the form of essays upon the great practical subjects which concern the people. He began with the contributions to the *Palladium,* the first paper published in Nebraska, at Bellevue, and upon settling at Nebraska City he became the editor of the *News* of that place, which was founded by the Nebraska City Town Site Co.

Mr. Morton's devotion to all homes as well as his own is one of the most beautiful traits of his character. He wrote more poems, not in versification, but in paragraphs, in editorial columns, and in public addresses on the subject of the home, poems of beautiful sentiment and far-reaching power, than any other man in my acquaintance. Arbor Day is the crowning expression of his devotion to the beautiful in nature, and there is ample warrant for saying that no other man has done so much to cover this barren land with trees, which in young forests are now spreading out over the whole state, as J. Sterling Morton.

In the discussion of public questions which relate to finance and the tariff Mr. Morton's arguments were always strong, logical, and clear. From the beginning of civilized life in Nebraska he maintained the doctrines of sound money, honest administration, low taxation, and economy in every branch of the federal, state, and local governments as being essential to the safety and welfare of the people. Upon all these questions through the stormy periods of nearly half a century he was aggressive, courageous, and true in the face of the most violent opposition. He maintained his position through good and evil report, never flinching, never faltering, in support of the great principles of which he was a leading advocate. As a candidate for office through many storms, against strong and unreasoning opposition, he defended his faith in the face of uniform defeat, and lived to see much of that for which he contended find expression in the government of the country. An inveterate foe to the principle of protection, he steadily upheld the doctrine of tariff for revenue only, and held to the policy of commercial freedom during his later years with the same tenacity that he displayed in his young manhood. It is not too much to say that through his fidelity to those great principles of free trade and sound finance, and to his undaunted courage in advocating them, he was largely indebted for the distinction which called him to the public service as a member of the cabinet of Grover Cleveland, one of the greatest of American Presidents.

J. Sterling Morton was a native of New York, having been born in Adams, Jefferson county, in that state, Apr. 22, 1832. He was of distinctly New England stock, emanating from Yorkshire, Eng., on his paternal side, and from Scotch-Irish blood on his mother's side. His grandfather, Abner Morton, born in Athol, Mass., Sept. 7, 1774, was graduated from Dartmouth college in 1799, and was a lawyer by profession. He was married to Sarah French, born May 19, 1784, at Pittstown, N. Y., and removed to Detroit, Mich., in his middle manhood. He was the first editor of the Detroit *Free Press,* the first daily paper published in Michigan, and for many years was an editor. He died in Sept., 1863, at Monroe, Mich., and Sarah French Morton, his wife, died in 1870 at the same place. The maternal grandfather of J. Sterling Morton, Joseph Sterling, was a native of Lyme, Conn., where he was born, Nov. 25, 1786. He married Emelia Caldwell, born in Hartford, Conn., Apr. 10, 1793. Joseph Sterling died Mar. 4, 1839, at Adams, Jefferson county, N. Y., and Emelia Caldwell Sterling died Apr. 22, 1848.

Julius Dewey Morton, father of J. Sterling Morton, and son of Abner and Sarah French Morton, was born Mar. 10, 1808, in St. Albans, Vt. Emeline Sterling, to whom he was married Sept. 30, 1830, at Adams, N. Y., was born there on Feb. 16, 1812. The writer of this sketch became acquainted with the sturdy citizen of Detroit, the father of J. Sterling Morton, and the strong woman who was his mother, when they were in the meridian of their strength and standing in the city of Detroit more than forty years ago. Their solid position and influence in that town placed them on full equality with the best. Three children blessed their union—J. Sterling, Emma, and William D., the two latter of whom survive. Julius D. Morton began his business career in the state of Michigan in 1834, previously having served an apprenticeship in the mercantile trade in New York city, and later as a merchant at Adams, N. Y. He removed to Monroe, Mich., and there was engaged successively in two banks, and subsequently in the commission business. Later he removed to Detroit, which afforded him a larger field for his business abilities and enterprise. He always took first rank in sound citizenship and enjoyed the universal confidence and respect of the people of Detroit during his long and useful life. In his middle manhood he became a representative in responsible positions of the N. Y. Cen. R. R., with which he continued for many years. Mr. Morton was a man of sterling worth, upright character, and fine business ability. In the efforts which marked his career he was supported by one of the strongest of wives and mothers; a woman of great judgment, she blended with firmness of character those womanly traits which mark the highest examples of American motherhood. Julius D. Morton died Feb. 14, 1865, at the age of fifty-seven years, and his widow survived until Sept. 18, 1890, dying at Arbor Lodge.

J. Sterling Morton was the first born to Julius D. and Emeline Sterling Morton. After acquiring his primary education in the schools of Monroe, Mich., he entered the University of Michigan at Ann Arbor, graduating finally at Union college, Schenectady, N. Y., under its celebrated president, Dr. Eliphalet Nott. He was married to Miss Caroline Joy in the city of Detroit, Oct. 30, 1854, and started with his bride on the same morning on which the ceremony took place for his future home in Nebraska. Spending a few weeks at Bellevue to take his latitude and longitude in the new land, there he had opportunity to meet Secretary Cuming, Chief Justice Ferguson, and other territorial officers by federal appointment, with whom he discussed the affairs and future of the new territory. He then removed to Nebraska City and settled on a beautiful quarter-section of land adjacent to the town, and on a commanding site immediately erected a small but comfortable home. These young people began their life in Nebraska by surrounding that home with beautiful trees, planted as twigs, and which now adorn with ample foliage and great beauty what has since become known as Arbor Lodge.

Mr. Morton immediately entered actively into the work of organizing and putting in motion the machinery of civil government under the Nebraska organic act, to enable the new community to live in order regulated by law. On account of the death of Governor Burt, the executive duties in the organization of the territory devolved upon Thomas B. Cuming, who had been appointed secretary of the territory by President Pierce, and, under the organic act, became by virtue of his office acting governor. The primary question of the hour was the location of the capital of the territory, which was a matter of very serious concern to the new settlers. The place that should be favored in the proclamation of the governor for the first location would have great prestige over rival towns, of which there were many, but as these towns consisted mostly of blank prairie without houses, or people to inhabit the few rough

cabins erected on the sites of some, actual interest in them of any importance had yet to be created. The capital was located at Omaha by proclamation; and elections in the various districts for members of the territorial council and the house of representatives were also ordered by proclamation. The legislative elections occurred in districts defined by the governor's proclamation in the absence of any law, and also without much reference to the inhabitants they contained. It is something more than a tradition that in not a few of them it would have been hard to find any inhabitants at all. But somebody voted; returns were sent into the executive office; certificates of election were duly issued; and the legislature met in Dec., 1854, in Omaha, the capital question being the sole issue of general interest. The object of the opposition was to relocate the capital, which was resisted by the Omaha interests to retain it. It was a stormy session, and was marked by the display of remarkable abilities on both sides.

Mr. Morton's first public service in the territory was as a member of the lower house of the 2d legislative assembly. He represented Otoe county, having been elected in the fall of 1855. His leadership in the house was at once recognized by everybody, and it was at that session that he first took his position on money questions, which were presented in the form of a large number of bills to charter banks of issue in different parts of the territory. These wildcat schemes for robbing the public encountered in Mr. Morton an able and fearless opponent. He fought and voted against all the banks chartered at that time. During the contest over the bank charters in the house, on his own motion the charter for the Bank of Richardson County was referred to a special committee of which he was the chairman. He reported against that bank and all others chartered at that session, as wildcat swindles, and recommended that there should be printed on each bill issued, instead of the legend provided for in the charter, "stockholders individually responsible." Mr. Morton's action in regard to banks aroused the wrath of his constituents at Nebraska City, and he was assailed with great bitterness as a young man who did n't know any better than to vote against making money plentiful in his own town. At the ensuing fall election he was defeated for reelection to the legislature by William B. Hail by the narrow majority of 18 votes. The contest was very bitter as to banks and finance in general, Mr. Morton holding to the same views then that he adhered to ever after through the long and almost continuous struggles in the nation and in the state over those questions.

Mr. Morton's second election to the legislature was in 1857. This was distinguished in history as the "capital moving legislature," which undertook to remove the seat of government from Omaha to Florence by the power of resolutions of the two legislative bodies. The majority of the members actually removed to Florence and organized a "rump" legislature there, the minority remaining at Omaha and maintaining the legal body. Mr. Morton, though in consistent opposition to Omaha on the question, remained with the minority at Omaha, and refused at all times afterward to act with the opposition to the Omaha location for the seat of government. Gov. William A. Richardson of Illinois was appointed to the office of governor of the territory about this time, and arrived in Omaha to enter upon his duties while a part of the legislature was in session in Florence and the minority were holding sessions in Omaha. Governor Richardson sought to bring the two bodies together on a basis of compromise, but Morton refused to make any concessions whatever to the revolutionary majority who had adjourned to Florence, and the attempt to reorganize at that session was abandoned. His action was very warmly commended by Governor Richardson afterwards, who subsequently recommended him to his first political patron and friend, Gen. Lewis Cass, then Secretary of State in the cabinet of President James Buchanan. The President appointed Mr. Morton as secretary of the territory in May, 1858, and he served in that office until May, 1861, when he was relieved by his old republican friend, Algernon Sidney Paddock, who had been appointed by President Lincoln to fill the place.

Mr. Morton, as has been previously stated, became a leader of public opinion from the time of his first arrival in the territory. His field of usefulness was now to broaden, and he was first nominated for a delegate to Congress, at a Democratic convention that met at Omaha in Sept., 1860. His opponent was Samuel G. Daily of Peru. The official returns gave Mr. Morton 14 majority. Mr. Daily contested and won the seat by virtue of a republican majority which controlled the lower house of Congress at the time. It was in this first real campaign which Mr. Morton ever made in Nebraska that his reputation became fixed before the people for ability and

power in debate, and for that kind of leadership which made him the peer of all public men in this part of the West. On the admission of Nebraska as a state in 1867 he was nominated for governor by the Democratic state convention. The republican candidate was David Butler of Pawnee county. After an able and brilliant canvass in which, for the second time, Morton proved his powers in public discussion, he was fairly elected by a majority of 148 votes, but a board of canvassers at Plattsmouth threw out the Rock Bluff vote in Cass county because the judges of election had not signed the tally list. There was no charge of fraud. The vote of the precinct was full and fair, but upon the technical ground votes enough were thrown out to give the republicans the legislature on joint ballot by a majority of 8, and to elect David Butler governor by a hundred and some odd votes. At that election there were 200 United States soldiers stationed at Ft. Kearney who voted for Butler, and who had just previously voted for Stone for governor of Iowa. At the same election the half-breeds and Indians were influenced to vote on the Omaha reservation for Butler. In the legislature chosen by this election, Mr. Morton and the late A. J. Poppleton, his friend at college, were nominated and voted for by the democrats for the United States Senate, John M. Thayer and Thomas W. Tipton, republicans, defeating them by 7 votes on joint ballot. It was at this time that Mr. Morton yielded to the persuasions of Mrs. Morton to abjure politics and devote himself to business pursuits, which he did for the ensuing fourteen years with success, when in 1882 he was again nominated for the governorship in the state convention of that year. The state was largely republican, and while he received about 26,000 votes in the contest, Mr. Dawes, the republican candidate, was elected by a large plurality. He was again nominated for governor and made the race against Mr. Dawes in 1884. At this election he received more than twice as many votes, that is to say, 57,000 against 26,000, as he had received two years previously. From this time on he was not a candidate for office; but in 1888 a convention at Nebraska City nominated him for Congress. It was a convention that he did not attend and in which he had very little interest, because he knew a nomination was only an opportunity to expend money in organizing a party and in laying a foundation for the success of some one else. Leading friends and democrats were sent as a committee to persuade him to accept the nomination, which he at first declined. But he was induced to accept, and entered upon the campaign with his usual vigor, bearing his own expenses in organizing the district for the contest. His opponent was W. J. Connell, of Omaha, by whom he was defeated by a decisive majority.

Mr. Morton was nominated by his party for governor again in 1892, Lorenzo Crounse being the republican nominee and Charles H. Van Wyck the populist nominee. It was a stirring campaign, marked by great ability on the part of the candidates in discussing questions then before the people. Judge Crounse was elected governor by a plurality of from 8,000 to 10,000 votes, and was in a minority of from 25,000 to 40,000 votes. Mr. Morton accepted this nomination and made the canvass for the sole and exclusive purpose of putting down populism in the state, to the extent of his ability; it was in this campaign that he boldly advocated the gold standard for the first time before the people.

In Feb., 1893, Mr. Morton was nominated by his friends as a candidate for the United States Senate before the legislature of that year. He seemed to hold the balance of power in that body through the votes of the gold standard democrats. As long as they could be held together neither the republicans nor the populists could elect. The crisis came and the republicans concluded to drop the republican candidate, Mr. Thurston, and vote for Mr. Morton. Forty-five of them signed a paper to that effect, but the whole scheme was broken up because a colored representative [Dr. M. O. Ricketts] from Omaha was induced to believe that Mr. Morton had been a dealer in slaves.

Mr. Morton had now become a public man of national proportions. He found among his intimate associates in the leadership of the Democratic party Carlisle, Bayard, and others of the strongest men in democratic councils, and the same month in which he suffered defeat for the Senate, Grover Cleveland, elected for a second term to the Presidency, tendered him the position of Secretary of Agriculture. In this great office he distinguished himself for administrative ability of the first order. He immediately antagonized the political practices of Congress in the distribution of seeds to the people, which he regarded as useless and pernicious. He came in direct collision with the House of Representatives on that issue, and maintained his ground with his usual ability and firmness. The problem with him was to make his department illustrate efficiency in conserving

and promoting all interests over which it had jurisdiction, and at the lowest possible expenditure of the public money. The result was highly gratifying to the President and to the people when it became known that he had actually been able to cover back into the treasury of the United States from the amounts of money appropriated for his department, over $2,000,000, or, to state it more accurately, 19½ per cent of all the appropriations made for the department of agriculture.

In the reduction of its clerical force and through the merit system, the President, at Mr. Morton's request, put all of the employees of the bureau of animal industry into the classified civil service. It was then made a condition precedent to an examination before the civil service commission for an inspector of the bureau to present a diploma as a veterinary surgeon issued by some reputable veterinary college. Under this wise reform it is now the fact that all inspectors are graduates of veterinary schools, and inspection of animals for human consumption, both before and after slaughter, is thoroughly scientific and in the hands of skilled and capable men. Previous to President Cleveland's order this great work was in the hands of political mendicants and beneficiaries who received appointments as rewards for partisan service. Secretary Morton's able administration of the department of agriculture was by no means the measure of his valuable public service during the four years of his incumbency. An able, prudent, and wise adviser of the president, he was scarcely second in influence to any member of a cabinet which in intellectual ability was strong in every part, and all will agree that his public service reflected honor upon his state and country.

At the end of the Cleveland administration Mr. Morton retired to his home and resumed his life work in the upbuilding of the state, and especially of Nebraska City, the home which he selected over forty years before. At all times a prominent and controlling force in that prosperous town, it is almost entirely indebted to him and to his four sons for the great prosperity which it has enjoyed in these later years. Mr. Morton's great memorial in Nebraska City, and that which will be most enduring as an evidence of public spirit and grasp of the needs of future generations is found in the beautiful park which bears his name, and which he donated to the city many years ago.

Mr. Morton's life in Nebraska was dominated for nearly half a century by his example as well as by his precepts in the upbuilding of a strong and useful citizenship in our state and section. He was for all these years essentially a farmer. The practical gospels as to how to raise fine men and women, fine trees, fine apples, fine cattle, fine horses, and fine swine were preached by him in season and out of season through all of our remarkable growth and advancement. The result and influence upon our people for good can not be measured in words. Nothing escaped him in giving encouragement to the material development of the state, and agriculture, horticulture, and arboriculture were his constant themes.

As early as the 4th of Jan., 1872, at a meeting in Lincoln of the state board of agriculture, he introduced the following:

"Resolved, that Wednesday, the 10th day of April, 1872, be and the same is hereby especially set apart and consecrated for tree planting in the state of Nebraska, and the state board of agriculture hereby name it Arbor Day; and, to urge upon the people of the state the vital importance of tree planting, hereby offer a special premium of $100 to the county agricultural society of that county in Nebraska which shall, upon that day, plant properly the largest number of trees; and a farm library of $25 worth of books to that person who, on that day, shall plant properly in Nebraska the greatest number of trees."

The resolution was passed after some discussion of an amendment introduced by the late Chief Justice Oliver P. Mason, supported by J. H. Masters, which proposed to strike out the word "Arbor" and insert "Sylvan," but Mr. Morton insisted that the word "Sylvan" would apply only to forest trees, while the word "Arbor" would include all trees, hedge, and shrubbery. At the close of the debate it was unanimously determined to call the new-born anniversary "Arbor Day."

On the day named by the resolution over 1,000,000 trees were planted in Nebraska, and perhaps an equal number in 1873. Governor Furnas issued the first proclamation, Mar. 1, 1874, calling for the observance of Arbor Day, and in 1885 the legislature made the 22d of April, Mr. Morton's birthday, a legal holiday to be known as Arbor Day.

This is the crowning achievement, as I believe in his own estimation, of Mr. Morton's important and influential life. His name is known in connection with Arbor Day the civilized world over. Arbor Day and Arbor Day festivals are in vogue in most of the states and cities of the Union, and countless millions of trees are growing under the influence of his organization of Arbor Day, in our own and other countries, where no trees were ever known to grow before. It has led

up to the study of planting of trees as a practical economic necessity, and for the higher work of educating the people in the love of the beautiful in nature on a scale and to an extent that could never have been achieved without it.

The true trend of Mr. Morton's mind was distinctly altruistic. He had an innate love of the good and the beautiful, and a corresponding contempt for the false and frivolous. Eminently practical and utilitarian in spirit, he blended in happy harmony a cultivated taste with a devotion to the principles of economy and thrift in the homes of the people in which he found the real sources of their happiness and the true strength of the nation. Upon noisy political agitators of popular discontent he waged aggressive and unrelenting war without regard to parties or persons. He combatted error with a vigor which derived its main force from logical and lucid statements, and with an aptitude for illustration which enabled him to pulverize mountains of rhetoric and to demolish the platitudes of vociferous agitators with something that strongly resembled a combination of the Damascus blade with the ponderous power of the trip-hammer. Bad government in the forms of laws which cripple commerce and hamper industries, involving destructive burdens of taxation; wastefulness of the public moneys in needless and extravagant appropriations and expenditures; the barter and corruption of place-hunting in exchange for partisan services; the issuance of cheap money as a panacea for financial panics arising out of extravagant living and expanded credits; indeed, all the great evils and abuses of misgovernment, federal, state, and municipal, never failed to find in Mr. Morton a brave and uncompromising opponent. Through all the storms of financial chaos and confusion which were the natural legacy of the Civil war with its legal-tender forced loans of irredeemable paper money and successive conspiracies for repudiation—including that most dangerous device of destruction, the "sixteen to one" infamy, which meant, and which was known of all men of sense to mean, payment in fifty-cent dollars—covering a period of more than thirty years, the voice of Nebraska's chief champion of honest government and honest money was always heard above the din and disorder in defense of the plain and sacred principles of fidelity and honor to which the faith of a great nation was pledged a thousand times in the great crisis upon which its very existence depended. Political ambition is of course well-nigh inseparable from such a character and such a man—one so justly conscious of superb equipment for high public station. Let it be conceded that he was surcharged with political ambition even in the earliest youth of his manhood. But if he had not been animated by that noble ambition which could neither be bought nor bullied into a surrender of those principles and convictions which unerringly and consistently guided his long life of usefulness and honor, republican Nebraska would have afforded a man of his rare abilities a wide and welcoming field for all sorts of swaps of character and honor for public office and all the distinctions and power which it implies. But the full answer to our question would ascribe to him something far higher, broader, and more enduring than the paltry ambition for transitory place and power as the inspiration of his seven-and-forty years of energetic labors and endeavors in Nebraska. Political ambition was but an incident, in the life of Mr. Morton, of the greater purposes which were at all times unsparingly devoted to the intellectual and moral enlightenment and material development and advancement of the young commonwealth, already strong in every element of power and promise, which he assisted to create out of stark naked barbarism, and with which his name will be historically associated through fifty years of its first foundation and formative life in all its future annals.

The State Historical Society, of which he was the president at the time of his death, had much of his attention for many years, and its records contain some of the most interesting and important of the productions with which his pen has enriched the historical literature of the state.

Only a condensed statement and review, which it is the main purpose of this sketch of the life of Mr. Morton to record, is here attempted. The recital, however, would be far from complete without a closer view of one of the most interesting personalities to be found among men. It was in his own strong, self-assertive individuality that we find the golden key to the character and strength of J. Sterling Morton. For example, he had a fine library of the best books and of the best writers of the English tongue at Arbor Lodge, but he did not delve into them to very great depths. He read, it is true, but not by the light of the midnight oil. He would have read much more if reading much more did not operate, by a process of displacement, to deprive him of time and room to think. In other words, Mr. Morton's ability as a writer

came from his own self-reliant and original thinking power, and not from books.

In form and physique he was symmetrical, compact and strong in muscular development, broad-shouldered, deep-chested, of medium height, and heavily limbed. A head of Websterian dimensions surmounted that sturdy frame. A pair of bluish-gray eyes were sharply in evidence. The hair was light in color, and the complexion a sort of reluctant blonde. The forehead was without noticeable projection or slope. Flanked by the heavy jaws and expressive mouth, nose, and lips, the grouped facial features betrayed all needed signs of firmness and force. His temperament was nervous-sanguine, with something more than a lymphatic tendency.

Mr. Morton was at his best in the freedom of his own home, where hospitality, as genuine as it was generous, as simple as it was sincere, charmed and delighted all who were fortunate enough to enjoy it. The merry gods of jollity and laughter would seem to be not far removed from Arbor Lodge when the master builder, the scholar and the gentleman, was at home. The flow of humor, the flash of wit, the rattle of anecdote and epigram, and a good story in every dialect on call to keep up the fun, were always in order, when not in plain disorder, in the home of J. Sterling Morton. And this is only another way of saying that he was preeminently a social man whose kindly and sympathetic nature drew like a magnet and attached friends to him as with "hooks of steel." Fidelity to those in whom he confided and staying qualities in either long range controversy or short range combat, when confronting his opponents, were leading traits in the personal character of this rare man. In repelling attack he was equally handy with rapier or bludgeon, and was dangerously ambidextrous with both. In manners Mr. Morton was dignified, polished, frank, and suave, and he was by common consent one of the most genial and attractive of men.

The domestic life of Mr. Morton actually began on his arrival with his beautiful bride on this then wild frontier in 1854. The temporary abode was in Bellevue. The unexpected happened in the location of the territorial capital at Omaha, and Mr. Morton decided to cast his fortunes with the southern section of the territory, and at Nebraska City. The beginning of the home life of these young people did not take permanent form nor was the home itself occupied by its future queen until November, 1855, owing to her absence in Detroit awaiting the advent of her first-born son, Joy. Mr. Morton had built the house during the summer, and its first and only inmates were Mr. and Mrs. Morton with their two-months-old boy. The next spring their hearts, heads, and hands, inspired by bright hopes of the future and directed by cultivated tastes, were busy with the planting of the trees which now decorate and beautify Arbor Lodge. Many of the trees, nearly all that are in front of the house, says one who knows, they put out together, the young wife and mother holding up the tender plants while the husband and father covered the roots with earth. The house itself these two had planned together. It was a one-story frame structure, ample and spacious for that day, and so arranged that if children should bless their union it could be readily extended. The expansion of the pioneer house into a beautiful mansion came in due course.

Caroline Joy Morton, the daughter of Hiram Joy, was born at Hollowell, Me., on the 9th day of Aug., 1834. Mr. Joy was a ship calker by trade, and, like many more of Irish-American stock, he was a strong, energetic, and successful man of business. He removed to Detroit in 1835. Death left the infant Caroline motherless the next spring. That devoted Christian mother was blessed with neighbors and friends whom she greatly loved, Deacon David French and Cynthia Eldred French, who, at her prayerful request, adopted the bereft child as their own. From that day she bore the name of Caroline Joy French. In 1850 Hiram Joy, the father, removed to Chicago, where he died in 1868.

The education of Caroline Joy French was accompanied by a careful, moral, and religious training in the Episcopal communion. It began in a school in Canada located opposite Detroit, and was finished at her graduation from that of the Misses Kelly in Utica, N. Y., at the age of eighteen. In the arts of music, drawing, and painting she became highly accomplished. Arbor Lodge is embellished with many proofs of her fine tastes in its decoration with her own handiwork. Mrs. Morton had one of the kindest hearts that ever beat in human bosom. From her earliest womanhood to the grave her life was one continuous blessing and benediction upon the needy and the suffering. Her deeds of charity were constant among the humble and helpless poor, and that great and generous heart was a perennial fountain of benevolence, never failing and never ceasing.

The second son, Paul, engaged in railroad work in early youth, became vice-president of the Santa Fé railway system, Secretary of the

Navy in the cabinet of President Roosevelt, and is now (1905) president of the Equitable Life Assurance Society of America, and resides in New York city. He was also born in Detroit on the 22d of May, 1857. Mark, who shares with Joy and Paul the standing and success of these three sons in the great mart of Lake Michigan, was born on the 22d of November, 1858, in the old Herndon hotel in Omaha, now occupied by the general offices of the U. P. R. R. Co. And last but by no means least came Carl, who was born at Arbor Lodge on the 18th of Feb., 1865. Growing into manhood and great business success, and still greater promise, in Nebraska City, as the directing manager of the varied industrial interests in which his brothers were interested, he was in 1900 called up higher to become the managing head of large business interests at Waukegan, Ill. Unchecked ambitions to promote and safeguard the great interests that were confided to his care, which involved incessant labors and anxiety, impaired his physical power to resist disease. Seized of a double pneumonia on the 31st of Dec., 1900, he died at Waukegan on the 7th of January, 1901, leaving behind him universal mourning wherever he was known, and unspeakable grief and rooted sorrows in the hearts of those that knew him best and loved him most.

Not in all his wide observation has the writer ever known in one family four such sons as Joy, Paul, Mark, and Carl Morton. The pride of the mother in them knew no bounds, and was justly grounded. But this pride seldom found expression in words of flattery to them, or even their moderate praise to others. It was rather in the satisfied smile of admiration, the beaming look of love and joy and gratitude that God had given to her four sons, each the peer of the others, as so many priceless gifts and prizes, fairly won, through long years of care, solicitude, and sacrifices of a devoted and competent motherhood. But it was not to be permitted this proud mother to live to see the rich promises of their earlier youth and manhood ripen into full fruition.

In Sept., 1880, Mrs. Morton was visiting in Omaha. In calling at the home of Judge George B. Lake, the father of Mrs. Joy Morton, she injured her knee in alighting from the carriage, and complained an hour afterward in the parlor of a friend that it hurt her to rise from her chair. She was cautioned to be careful about a too free use of the injured limb for a few days, but she paid little heed to it. She must visit her son Joy in Chicago, where, over-walking, a deadly inflammation was kindled in the hurt knee, which, as the fatal result proved, no human skill could quench or subdue. She died June 29, 1881.

On the second day after her death came the funeral services at the bereft home and the ceremonial interment at Wyuka cemetery where all that was mortal of Caroline French Morton has reposed for more than twenty-four years. All business in Nebraska City was suspended during her funeral. Touching signs of the public sorrow and tearful proofs of personal bereavement spread over the community as with a pall of mourning. Throngs gathered around the house of sorrow from all parts of Otoe county, and representatives from all portions of the state congregated there to testify their respect for the dead, and to express their sympathy for the living, whose breaking hearts they would comfort and console. All classes, rich and poor, were there, but notably the poor whom her boundless bounty had helped all through her life.

Both before and after the death of Mrs. Morton, Miss Emma, the only sister of J. Sterling Morton, was the main support of the domestic life at Arbor Lodge. During the long illness of Mrs. Morton, no words of the writer could adequately describe the devotion and loving ministrations which this kind-hearted, worthy, and capable woman bestowed upon that suffering sister, whose death she has never ceased for an instant to mourn. When her brother was summoned to the cabinet of President Cleveland she took her place in the group of the ladies of the cabinet, who were among the foremost women of our country.

In early Dec., 1901, Mr. Morton delivered an address in Chicago before a convention of stock raisers. He contracted a severe cold while there, and returned to Nebraska quite ill. A troublesome cough followed during that winter. It was so persistent and was attended by such marked emaciation as to cause anxiety for fear of disease of the lung. A change of scene and climate was advised by his physician, and a visit to the city of Mexico was decided on. The first week of Feb., 1902, accompanied by his son, Hon. Paul Morton, and his family, and provided with every comfort for travel, he made the long journey. The reception and welcome by President Diaz and the members of the Mexican government of so distinguished a citizen of our country was marked by the cordial courtesy for which Mexican hospitality is distinguished, and Mr. Morton fully enjoyed and appreciated it. Returning to his home after an absence of a

MORTON MONUMENT, MORTON PARK, NEBRASKA CITY, NEBRASKA

month friends were alarmed at his great loss of strength and flesh. An insidious disease had stricken the strong man of a few months before. After his return he was too weak to make any effort, and suffered constant loss of strength and inability to either relish or assimilate food. He was removed to the home of his son, Mr. Mark Morton, Lake Forest, Ill., accompanied by his sister, Miss Emma Morton, that he might have the benefit of Chicago's best medical skill. Strong confidence was expressed by his physicians that he would regain his strength and health, but he continued to fail steadily, and Nebraska's first citizen passed from the scenes of earth on the 27th of April. A funeral service was held at the home of Mr. Mark Morton the following morning, after which the remains were conveyed to Nebraska City, where they arrived on the morning of April 30. The funeral services were held in the afternoon of the same day. Every evidence was given of the public sorrow by the people over the death of their honored fellow citizen, and Nebraska City and Otoe county, where he was so greatly esteemed, respected, and beloved, was as a house of mourning for the loved and lost. A vast concourse of all classes and conditions of men and women gathered there. Representative citizens from all parts of the state were there in large numbers to do fitting honor to the memory of J. Sterling Morton.

On the 3d of May, 1902, soon after the death of Mr. Morton, the Arbor Day Memorial association was organized at Nebraska City for the purpose of erecting a monument in honor of the father of Arbor Day. The officers of this association were Robert W. Furnas, president; H. D. Wilson, treasurer; and John Nordhouse, secretary. The executive committee was as follows: John W. Steinhart, chairman; John Nordhouse, secretary; Robert W. Furnas, Paul Jessen, and Alfred T. Richardson. The purpose of the association was to procure a statue of Mr. Morton to be paid for solely by contributions of his friends and admirers outside of his immediate family. The first contribution, $200, was received May 17, 1902, from the Omaha jobbers, and there were more than 3,000 distinct subscriptions and from all parts of the United States. The most notable offering was made on Arbor Day, 1904, by the school children of the state of Nebraska, and amounted to $1,150.89. Subscriptions covering the cost of the monument —$15,120—were received before it was unveiled. While Mr. Morton's sons were not permitted to contribute to the cost of the memorial, they assisted indirectly, and especially in beautifying the surroundings in Morton park where the statue stands. This park adjoins the grounds of Arbor Lodge on the east and was donated to Nebraska City by Mr. Morton. The sculptor is Rudulph Evans, of Washington, D. C., but now residing in Paris. The monument is simple, dignified, and impressive in design, thus typifying the life and character of its subject. The central figure is a life-size bronze statue of Mr. Morton, which stands upon a solid block of Rhode Island granite. The pose and expression of the figure well represent the virility, courage, and aggressive positiveness of its prototype. The right arm hangs naturally by his side holding the hat, while the left hand rests on a short staff. At the foot of the pedestal stands a bronze figure of a woman, her left hand holding a young tree, while her glance is directed to the spot where it is about to be planted, symbolizing the spirit of Mr. Morton's admonitory apothegm: "Plant Trees." A semicircular stone bench stands at some distance back of the pedestal, and forming a frieze around it are the words, "Love of Home is Primary Patriotism" and "Other Holidays repose upon the Past. Arbor Day proposes for the Future." The back of the bench is further ornamented with two large bas-reliefs in bronze, the one on the left representing the negotiation of a treaty with the Pawnee Indians near the present Arbor Lodge, in which Mr. Morton participated; the one on the right portraying a landscape partly covered with trees, and in the foreground the figure of a woman in the act of planting a tree, the whole typical of the spirit of Arbor Day. At each side of the stone terrace stand stone benches inscribed upon the ends with the legend "Plant Trees." The lower part of this bench bears the inscription, "Erected by the Arbor Day Memorial Association in Memory of Julius Sterling Morton, MCMV."

Upon the pedestal is the following inscription: "J. Sterling Morton, 1832–1902, father of Arbor Day. Plant Trees." The reverse bears a concise sketch of Mr. Morton's life and public services.

The spaciousness and solidity of the base and foundation of the monument are intended to harmonize with the vastness and substantiality of the western country. The platform around the monument is 50 x 75 feet, and except for the brick used in the platform the entire monument is of granite and bronze. It was unveiled with appropriate exercises, Oct. 28, 1905, the principal address being made by Ex-President Grover Cleveland.

GEORGE L. MILLER.

MUNN, EUGENE, president of the Farmers' Mutual Insurance Co. of Nebraska, Lincoln, was born in Wayne county, O., Dec. 28, 1836, son of Bethuel and Arville (Jones) Munn. He was left motherless when only seven years of age and an orphan by the death of his father ten years later. He was reared on a farm and received his early education in the public schools, which he attended until his father's death. At the age of eighteen he went to Iowa, settled at Winterset, and began freighting goods from the Mississippi river to the interior towns of the state. He was one of the pioneers in Nebraska, settling in Nebraska City in 1856, engaging in the freighting business with Russell, Majors & Waddell. His experiences as a freighter are given in his own language in a paper read before the Nebraska State Historical Society Jan. 10, 1900, and published in volume 5, second series of its proceedings and collections.

"In the summer of 1858 I went into the employ of Russell, Majors & Waddell, who had a large contract to transport supplies for the army commanded by Albert Sidney Johnston, which had marched into Utah to quell the rebellious spirit of the Mormons. To supply this army required eighty trains of twenty-six wagons each, each wagon being loaded with 6,000 to 6,500 pounds and drawn by six yoke of oxen—there being 312 oxen to a train and a total of 12,500,000 pounds. The total number employed was 2,400 men and 24,960 oxen. For this work the company received $22 to $27 per 100 pounds. Here I wish to state that at that time there were no settlers between the Missouri river and Utah, except a limited number located at the government forts, and occasionally a French squaw man. This wild, venturesome life seemed to suit my fancy, and I, with thousands of others, did not settle down to quiet life until after the completion of the U. P. R. R., when the opportunity for leading this kind of a roving life was taken from us. We so-called 'overland freighters' received for our compensation, as my memory serves me, about 75 cents to $2.25 per 100 pounds for each 100 miles, graded by distance, risk, and competition. During this period of nine years there were millions of pounds of supplies hauled by oxen and mules to the interior forts and mining camps in the mountains of Colorado, Wyoming, Utah, and Montana. The supplies for the troops consisted of flour, bacon by the thousands of tons, sugar, coffee, canned fruits, liquors, and large quantities of corn for the cavalry horses. For the mining camps they consisted of a general stock of provisions, groceries of all kinds, and dry goods and clothing; while the Utah trade comprised principally general merchandise and farm implements. At this point I might cite one instance in 1865. I commanded a large train bound for Utah, and among the articles hauled were two 'Pitts' separators (threshers), for which we received 25 cents per pound freight, gross weight. These machines were not on trucks, there were no extra straw carriers, and cost, laid down in Utah, $3,000 to $3,500 each. We also had twelve combined 'Buckeye' harvesters and mowers, which cost, laid down in Salt Lake City, $1,000 each. Another instance of a long haul: we delivered in 1864 at Virginia City, Mont., a distance by wagon road in those days of 1,400 miles, a complete stock of drugs and store fixtures with a quantity of liquor, for which we were paid 28 cents per pound in gold dust. These nine years spent in overland freighting were brimful of adventures, crossing swollen streams, in snow storms, encounters with the Indians, etc. At one time in 1860 I attempted to swim the Platte river near the mountains when it was very high, and it came near being my last swim. I had given up all hopes of life, had ceased further efforts, and let myself down to drown when, to my great joy, I touched bottom. I finally reached the shore as nearly drowned as a man could be and yet not be. Again in 1867 in swimming the Missouri river in Montana, when the slush ice was running thick, I barely escaped with my life and my faithful saddle mule. These were hairbreadth escapes and yet never so thrilling and startling as the Indian warhoop, which would startle the coolest and most brave and cause his hair to bristle sufficiently to lift his hat in polite response to 'Brother Lo.' I have been held up several times at close range, but was fortunate enough to get the drop on my antagonist and cause him to retreat in haste. I never shot an Indian or had one shoot me. While traveling up and down the Platte river valley, I had the pleasure of giving the old veteran chief, Red Cloud, of the Sioux tribe, many a meal of bread, coffee, and bacon. He was a grand old Indian. On one occasion he came into Nate Oldham's, a neighboring camp of mine, and asked for the captain (as the wagon-masters were called). When the captain was pointed out to him, the old chief approached and asked for something to eat (they always seemed to be hungry). The captain answered, 'Oh, go away, —— you,' when the old chief retorted that he had been to Washington and shaken hands with the 'Great Captain' and 'you, you

go away, —— you.' It is needless to state that the old chief got his cup of coffee."

Mr. Munn continued as a freighter for nine years and then went to Montana where he remained a short time. He returned to Nebraska City, and purchased a section of land near the town, where he devoted his attention to farming and stock raising.

Of the early claim clubs, Mr. Munn has the following to say in the paper above referred to: "Many of you have heard and perhaps some of you know something about the claim clubs in the early days of Nebraska—in 1856–57. These were committees organized by the early settlers to protect each other in holding more land than the United States laws allowed them. The law granted each bona fide settler 160 acres, while these clubs would claim everything in sight, and when an outsider came in and 'squatted' on any of this land, which to all appearances and of record was vacant, he was visited by this club, and I am sorry to say many were never seen after being taken in charge by said club. The undersigned 'squatted' on a quarter-section in Cass county in May, 1857, built a claim house, not very expensive, but sufficient to fill the requirements of the law, and lived in the same long enough to make the claim good. He was then visited by one of these clubs, known as the Rock Bluffs club, consisting of about fifty persons, all armed with various kinds of weapons, and all to arrest one lone individual with nothing more than a pocket-knife about him. Fortunately I was acquainted with one of the men, L. R. Boxley, an old Virginian. They organized a court and I was called upon to state my case to the judge and jury. I did so after this manner as I was not in a very good humor: first, I said that a trial was useless and worse than a farce, for I could read the verdict already in the countenances of the members of the so-called jury; second, that I was in their hands and that they could, and would, do with me as they pleased. At this juncture my old friend Boxley, who came along with the club as a sort of mediator, stated that he had known the prisoner favorably, and suggested that the claimant and myself should each choose a man to arbitrate our claims on said land, to which suggestion I readily assented, as it was the only and best way out of it. The result was I was paid $5 per day for the five days that I had put in on the claim with the privilege of moving my house off."

For twenty-six years Mr. Munn was a farmer, and during this time served three terms in the legislature of Nebraska, to-wit. 1871–72, 1875–76, and 1885–86. In 1894 he left his farm and removed to University Place, near Lincoln. He was elected to the presidency of the Farmers' Mutual Insurance Co. in 1898, a position he still (1905) holds. Mr. Munn was married Nov. 7, 1867, to Mary, daughter of David and Matilda (Harris) Kling of Wayne county, O. Mrs. Munn was a member of the Methodist church in Ohio and was an active worker in that body during her residence in that state. She has been a great helpmeet to her husband, being ambitious in aiding to accumulate a competence for comfort in old age, and taking especial pride in the training of their eight sons, all of whom are living: Alexander M., born in 1868, civil engineer of Nebraska City and manager of the Independent Telephone Co., Otoe county; Ewing, born 1871, a banker at Brush, Col.; Urban K., born 1873, engaged in mining in Gilpin county, Col., in partnership with his father and two brothers; Eugene C., born 1875, at present working with his brothers on Otoe county maps; Ahijah J., born 1878, veterinary surgeon at Kingfisher, Okl.; Mark D., born 1880, served two years in 32d Regt. U. S. Vol. in the Philippine Islands; Ohio N., born 1884, and Joy G., born 1886, students. Mr. Munn was reared a democrat and in later years has affiliated with the fusionists, firmly believing in the principle of the greatest good to the greatest number.

NORTH, JAMES EDWARD, for many years a resident of Columbus, was born Sept. 11, 1838, in Richland county, O. His father was Thomas J. North, a native of Tompkins county, N. Y. Roger North, born in the north of Ireland in 1704, came to America and settled in Chester county, Pa. His son, Thomas North, married Naomi Davis in 1783, and went to Tompkins county, N. Y., probably about the year 1790. Joshua North, grandfather of James E. North, was born in Pennsylvania in 1786, accompanied his parents to New York when four years old, and in 1808 was married to Jemima Hedden. During the War of 1812 he raised a company of militia for service against Great Britain, was elected and commissioned captain, was in the battle of Lundy's Lane and served with some distinction. After peace was declared he returned to his farm in Tompkins county, and at one time served for a term as county judge. His son, Thomas J. North, was born in Tompkins county in 1813, married in 1837, and removed to Richland county, O., where he settled on a farm. He was a civil engineer and surveyor, and as such aided in the con-

struction of the S., M. & N. R. R. In 1846, and was for several years county surveyor of Richland county. Later he kept a general store in a country village in the same county. Meeting with financial reverses in 1855, he removed to Nebraska, in May, 1856, and in Mar., 1857, he perished in a severe snow storm a few miles west of the city of Omaha. James E. North's mother was Jane Almira Townley, whose ancestors came to America prior to the year 1700 and settled in Virginia. Her grandfather, James Townley, removed from Virginia to Tompkins county, N. Y., in 1791, where Jane Almira was born in 1820. Being left an orphan at the age of five years, she was reared in the family of her grandfather, with whom she made her home until she met and married Thomas J. North in 1837. She is still living in Columbus, Neb., at the ripe age of eighty-five years and in excellent health in body and mind. James E. North began his education in a log schoolhouse in a country district of Richland county. His education was limited to the common schools, and his attendance to the age of fourteen years. He was a clerk in his father's store until the latter's financial reverses, and accompanied his parents to Nebraska in 1856. During the first three months of his residence in Nebraska he worked with a party of surveyors subdividing government lands. At the end of that time he settled in Florence, where he was a clerk in a store until the spring of 1857, when he went into the real estate business, which he followed a year, and then removed to Platte county, in Apr., 1858. He was the second sheriff of that county, and was subsequently for several years its county surveyor. He was a licensed trader for the Pawnee Indians from 1866 to 1869. In the spring of 1870 he became a resident of Columbus, the county seat, and engaged in the real estate and law business with C. A. Speice, in which he continued until 1893. For many years Mr. North was one of the leading democrats of the state. In 1876 he was elected a state senator on the democratic ticket, and again in 1892, taking a leading and influential part in the work of both sessions. He was appointed by President Cleveland to be collector of internal revenue for the district of Nebraska, which included both of the Dakotas, assuming the duties of the office July 1, 1893, and retiring July 24, 1897. He ceased to act with the Democratic party in 1896 on account of the silver question. Mr. North belongs to the Masonic order, is a Royal Arch Mason, has been master of Lebanon Lodge No. 58 and High Priest of Orient Chapter No. 18 R. A. M. In Jan., 1859, in Platte county, Neb., he married Nellie A. Arnold, a native of Steuben county, N. Y. She died in Omaha, Nov. 26, 1895, four days before her sixtieth birthday anniversary. Five children were born to them: Edward W., now chief deputy in the internal revenue office in Omaha; L. Rose, wife of Dr. C. D. Evans of Columbus; Frank J., Mary A., and Nellie A. The latter was born in Columbus, Aug. 14, 1875, and died in Omaha, July 19, 1896.

NOYES, ISAAC, was born at Batchellerville, Saratoga county, N. Y., Jan. 9, 1828, and died of pneumonia at his home near Waterloo, Douglas county, Neb., Dec. 19, 1903. His parents came from southern Vermont, and settled in Saratoga county in 1807, being pioneers in that new country, where it required all the energy, industry, and economy of the old Puritanic stock to clear away the forest and support a family on the farm. Isaac Noyes was educated in the common schools, and in the state normal school, at Albany, N. Y. He removed to Nebraska in the spring of 1857, preempted 160 acres of land, and purchased adjoining land, which constitutes a portion of the home farm. In 1859 he returned to New York and married Miss Addie T., the daughter of Samuel Batcheller, a prominent citizen and manufacturer of woodenware. He came from democratic stock, but when that party attempted to fasten slavery upon Kansas and Nebraska, he became an ardent republican and voted for John C. Frémont in 1856. From that time he was an active worker for the success of republican principles, especially for protection for American industries and for American labor. In 1864 he was elected supervisor of his native town, and was obliged to give his time entirely to the enlistment of soldiers to fill the quota of that town under the last call of President Lincoln. In 1857 he was elected member of the assembly from the 2d district of Saratoga county, N. Y., which included Saratoga Springs. The next year he was reelected. In both sessions he was chairman of the committee on villages, an important chairmanship in the New York legislature. After removing to Nebraska he lived on the farm, one of the best and largest in Douglas county. In 1892 he seemed to be the choice of the republicans of Douglas county as a candidate for governor of Nebraska; but while the ballot was being taken he was called to the platform, and at the close of a short speech he withdrew his name in the interest of Governor Crounse, who he believed was a stronger candidate to go be-

fore the people. In 1893 he was elected to fill a vacancy caused by the death of Senator Clark. In 1894 and again in 1898 he was elected senator from Douglas county. His ancestors were Presbyterians, his grandfather and father having been elders in that church. He was an elder in the Presbyterian church from 1870 until his death, yet he believed in the largest liberty of conscience, and a union of effort among all Christians to evangelize the world. Mr. Noyes is survived by his wife and three children: Carlton B., who married Eunice Coy, of York, Neb., and is at his home on the farm; Marion B., who is the wife of District Judge A. L. Sutton of South Omaha; and Hiland B., master mechanic of the Omaha and Council Bluffs Street Railway Co., who married Harriet Dodge, of Omaha.

NYE, CHESTER F., pioneer of Pawnee county, and twice county treasurer, was born in Highgate, Vt., Dec. 17, 1838. His youthful days were spent on his father's farm and in attendance at the public school. The financial circumstances of his parents were such that he was given the opportunity for a liberal education, and was in attendance at the University of Vermont, when, in 1861, President Lincoln issued his call for men to enlist for three months' service. At the end of his term of enlistment, he reenlisted in the 10th Vt. Vol. Inf., and soon won his promotion to the rank of captain. He served in the famous 6th army corps, participating in all its engagements, until he was mustered out of service in Dec., 1864. He then turned his attention to the study of law, was admitted to the bar, and in 1867 started for the West, and did not make many stops until he reached Pawnee county, Neb. Finding that there was very little business for a lawyer and a good deal for an agriculturist, he entered government land and commenced farming and stock raising. This business he pursued with profit and pleasure, and after a few years purchased a fine tract of land in Turkey Creek precinct. In 1893 he was elected on the republican ticket to the office of county treasurer, and at the expiration of his term was again elected to the office in 1895. He then retired to his farm, which he now superintends. Captain Nye as a servant of the people faithfully cared for every trust imposed upon him and guarded the interests of the taxpayer and the citizen. He has for many years been a member of the Masonic order, is also a member of the Burchard Post of the G. A. R. He was married in 1871 to Miss Maggie, daughter of William and Mary J. Dorrance, and has reared five children, all of whom have been accorded excellent educational advantages.

NYE, THERON, the first mayor of Fremont, Neb., was born July 26, 1828, in Brookfield, Madison county, N. Y., and died at his home in Fremont, Mar. 6, 1901. His father, Thomas Nye, was a manufacturer of potash, was in humble circumstances, and served as a soldier in the War of 1812. His mother was Anna Goldsmith. The families of both parents came from New England to the future Empire state at a very early date. Mr. Nye received a common school education at Hamilton, N. Y. His first employment for a fixed compensation was in plowing corn, but in early life he learned the druggist's art, and was also a merchant at Hubbardsville, N. Y. Early in 1857, after he had been married about four years, he left his family in New York and started for the West. He landed in Omaha, May 1, 1857, having come by steamboat from St. Louis, Mo. He spent less than a month in Omaha, working at such employment as he could find, and on May 27 he walked to Fremont with his total assets in his pockets, amounting to $25. He at once preempted 160 acres of land, and was soon able to begin farming. Soon after he also engaged in freighting across the plains to Denver, which he followed for several years. In 1866 he established the firm of Nye, Colson & Co., in the lumber and grain business. The partnership originally comprised, besides himself, S. B. Colson, J. T. Smith, and J. G. Smith. William Fried was subsequently admitted, and still later Mr. Nye acquired the interests of the Messrs. Smith, the firm name remaining the same. In 1884 Mr. Nye disposed of his interests to his son Ray, when the firm was merged into Nye-Wilson-Morehouse Co., later being succeeded by the Nye-Schneider-Fowler Co., which still operates the business. This firm does an enormous grain business, and has elevators in seventy towns in Nebraska, Iowa, and South Dakota along the lines of the F., E. & M. V., C. & N. W. and S. C. & P. railroads. Mr. Nye was largely interested in the First National bank of Fremont at the time of its organization, and was its first president, occupying the position for fifteen years. After retiring from the firm of Nye, Colson & Co., however, he was not actively engaged in business. He always voted the republican ticket, and was elected the first mayor of Fremont, which office he held for two terms, and he served for two terms as county treasurer of Dodge county. On May 22, 1853, he was married to Caroline M. Colson, in New York

state. Ray, one of their two living sons, is at the head of the great business which the father established. Fred is on the staff of the New York *World* and was for several years editor of the Omaha *Republican* at the period of its most pronounced vigor and influence. Mrs. Nye survives her husband and resides in Fremont. For portraits of Mr. and Mrs. Nye see p. 366.

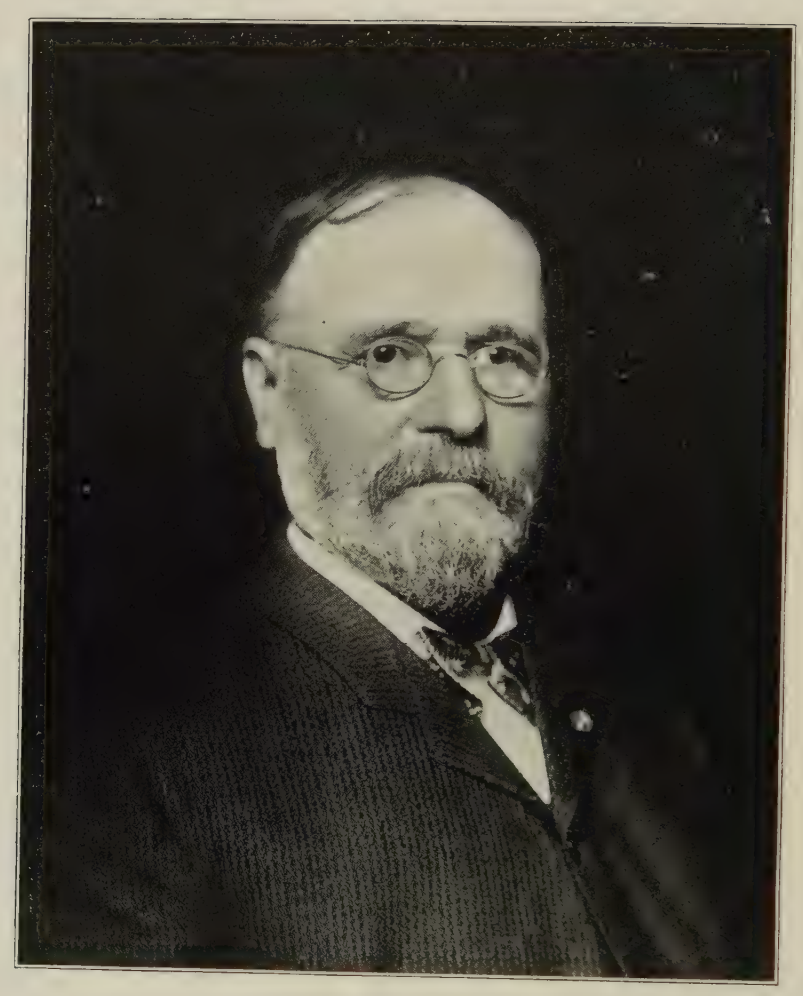
PALMER, HENRY EMERSON, postmaster, Omaha, Neb., was born at Centerville (now Madison) in Lake county, O., July 31, 1841. To very few men now living has fallen so large a share in the building of history of the West as has been borne by Capt. H. E. Palmer of Omaha, who will hand down to his posterity a proud record as a pioneer, a soldier, and a business man. Captain Palmer is a pioneer of seven states and territories—Wisconsin in 1853, Nebraska and Colorado in 1860, Kansas in 1861, the present Wyoming in 1865, Montana in 1866, and Idaho in 1867. His father, Levi Starkweather Palmer, who was born at Albany, N. Y., Feb. 26, 1815, and died at Fairfield, Wis., June 3, 1879, was a carpenter and shipbuilder. According to Burke's Dictionary of Heraldry the founder of the Palmer family "was a Norman Soldier, who having repeatedly distinguished himself in single combat against the Saracens (during the Crusades in the twelfth Century) received Knighthood from the King on the field of battle by that surname which has ever since been retained by his descendants," the name Palmer being a general term applied to the Crusaders. The family name was transplanted to American soil in 1621, when William Palmer came from Nottinghamshire, Eng., in the good ship Fortune, in 1621, and landed in Salem, Mass. Another brother, Walter, came from England to Salem in 1629, and Thomas, the third brother, came from Ipswich, Eng., in 1635. The mother of Levi S. Palmer and grandmother of Henry E. Palmer was Mary Spurbeck. Her ancestors first came to this country from Holland, settling in New York in 1650.

Captain Palmer's mother was Elizabeth Cowles, a native of Ohio. She was born in Harpersfield, Ashtabula county, Dec. 20, 1820, and died at Lake Crystal, Minn., Oct. 14 1896. The Cowles family first came to America from Scotland in 1637, settling in Connecticut. On her mother's side she was descended from the Harpers, who came to this country from Ireland about 1640.

When Henry Emerson Palmer was eleven years and nine months old, Apr., 1853, his parents removed to Fairfield, Sauk county, Wis., where his meager education was acquired. To reach the school, which was of inferior character, he was compelled to go five miles on foot through the Wisconsin woods, during the period between 1853 and 1859, but in that time he learned to read and write and was reasonably proficient in simple arithmetic, that being the sum of his educational accomplishments. Tiring of the life of the pioneer farmer boy, he left home when only about eighteen, Mar. 7, 1860.

Entirely alone he crossed Iowa when there were but fifty miles of railroad in the state, working for his board from Omaha to the mountains, as assistant cook for the train with which he traveled, walking the entire distance from Baraboo, Wis., to Mountain City, Col., 1,250 miles in two months. Upon his arrival in Colorado, May 7, 1860, he engaged in mining until July 9, 1861, when his companions, twenty-three out of a party of twenty-four prospectors, left him to join the Confederate army. "No, I will not go with you," said young Palmer when he was invited to accompany his comrades, "I am from Ohio and I will fight for the stars and stripes."

And so he started the same day by horse team for Leavenworth, Kan., 800 miles away, the nearest point for the enlistment. When he had reached Marysville, Kan., then an outpost settlement, fearing that the war would be over before he could reach the Missouri river, he left the wagon and walked to Atchison, Kan., 130 miles, in forty consecutive hours. He arrived at Ft. Leavenworth July 30, 1861, enlisted without delay, and was mustered in July 31, it being the twentieth anniversary of his birth. Oct. 7, 1861, he was promoted to be second lieutenant of artillery for bravery on the battlefield at Drywood, Mo., in an engagement at that place, Sept. 2, 1861. In Dec., 1861, he was ordered to Wisconsin to secure forty recruits for Lane's brigade. To the fulfilment of this mission Governor Randall interposed an obstruction by refusing to permit the men to leave the state, but he assigned them to the 1st Wis. Cav. in order that the state might secure the credit for having furnished them, and promoted the young recruiting officer to the position of first lieutenant, a position which he soon afterward resigned to accept a captaincy on the staff of Gen. James H. Lane, who was then organizing the Texas expedition. General Lane could not be mustered as brigadier-general unless he would resign his seat in the United States Senate, and refusing to do this, he returned to Washington, leaving his staff (some of



whom were not yet mustered in as officers) to carve out their own fortunes. Young Palmer sold his captain's uniform, and for the second time enlisted as a private, but was immediately raised from the ranks to the position of Regt. Com. Serg., 4th Kan. Inf. Soon afterwards, by command of General Denver, the 3d and 4th Kan. Inf. regiments were consolidated and the field and staff, including non-commissioned staff, of the 4th Kan., were mustered out, whereupon Sergeant Palmer again found himself a civilian, Apr. 19, 1862. Within a period of nine months he had twice enlisted and had twice found himself, through no wish or act of his own, indeed contrary to his most ardent wishes, cut off from his pursuit of the hardships and glories of soldier life. His third attempt to break into the army permanently was more successful. Securing a recruiting commission, he raised Co. A, 11th Kan. Inf., and started for Arkansas Aug. 20, 1862, as second lieutenant in command of that company, a position held by him during the several battles of Maysville, Cane Hill, Boston Mountain, Prairie Grove, and Van Buren, no other officer being present for duty until Dec. 31, 1862, when he was promoted to first lieutenant. On Mar. 24, 1863, he was advanced to the captaincy of the same company. In the following June his regiment was ordered to St. Louis, en route to join Sherman's army, but owing to the desperate depredations of guerrillas in western Missouri, its destination was changed to that section, and then by order of the Secretary of War was mounted and formally changed to the 11th Kan. Cav. Thus equipped to counteract the operations of the guerrillas, for over a year Captain Palmer fought the notorious Quantrell and his band, and at the memorable Lawrence Raid was the only commander who enjoyed the pleasure and distinction of punishing his relentless and murderous antagonists.

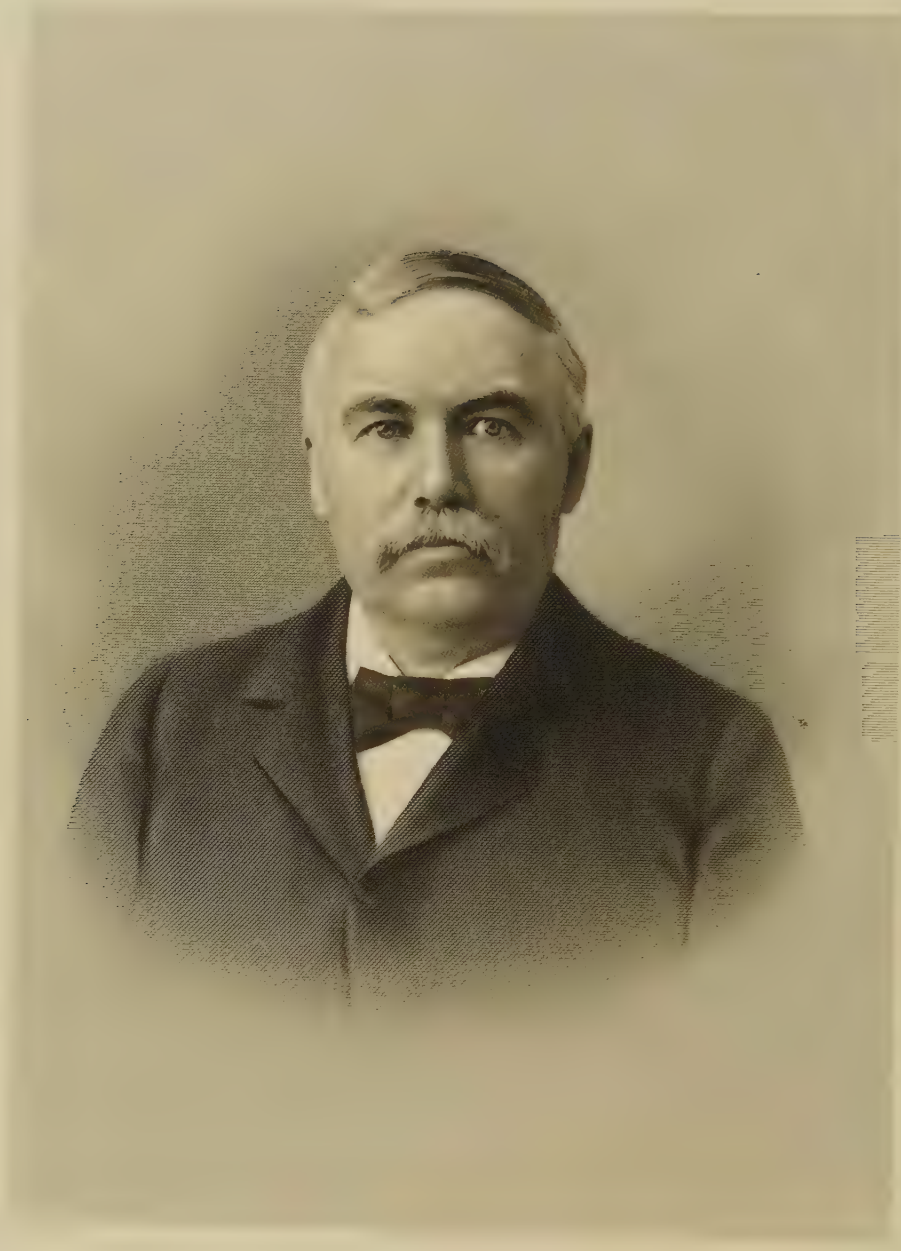
Captain Palmer was married Sept. 23, 1863, to Miss Bettie Houck of Westport, Mo., a blood relative of Gen. Robert E. Lee. This union, which was a most happy one, was severed by death, which took both mother and child, Feb. 18 and 27 respectively, 1865. In Aug., 1864, Captain Palmer was detailed to take sixty men (John Morgan's Rebel Raiders, recruited from the Ohio penitentiary for the 11th O. Cav.) from Ft. Leavenworth, Kan., to Ft. Kearney, Neb. On this march he met the Cheyenne Indians in Little Blue valley, Neb., and helped to drive them out of the valley to the Solomon river in Kansas. During the Price campaign in Oct., 1864, Captain Palmer joined Jo Shelby's Rebel Raiders with twenty federal soldiers, picked men from ten cavalry companies, all disguised as guerrillas. After a day's service with Shelby they bushwhacked his advance, keeping up constant communication with Gen. Samuel R. Curtis, and at Lexington, Mo., when ordered to surrender his command, which had been increased to 230 men, he charged through Fagan's division of 7,000 rebels to the retreating unionists.

In Jan., 1865, Captain Palmer was ordered to Ft. Riley, Kan., and early in the following month marched through frightful storms, most of the time in command of the regiment, to Ft. Kearney, Neb., where, on Mar. 3, 1865, he received the painful intelligence of the death of his wife and child during the previous month. In June, 1865, Captain Palmer was assigned to duty on the staff of Gen. P. E. Connor as acting assistant adjutant-general of the District of the Plains, which embraced about 17,000 troops, of whom 2,500 were engaged in guarding the Overland mail line. In August, September, and October of the same year he was a participant in the Powder River Indian expedition, on the staff of General Connor, acting quartermaster and commissary of the expedition, and was present at the several Indian battles in the Big Horn country and at the Tongue river fight on Aug. 29, 1865, where 143 men, Indians and whites, were killed and the troopers were compelled to ride 130 miles without food or rest. This Tongue river battle near the present city of Sheridan, Wyo., was the last battle of the war—1861 to 1865.

By reason of the expiration of the term of his enlistment, Captain Palmer was mustered out of the service with his regiment Sept. 26, 1865, but being at that date on detached service with General Connor, his actual muster out came direct from the war department, Nov. 2, 1865. He declined a proffered second lieutenancy in the 2d U. S. Cav., made on the personal request of Gen. W. T. Sherman, and in Mar., 1866, left Kansas City, Mo., for Ft. Laramie with four wagonloads of Indian goods. From Laramie he went to Clear Fork on Powder river, where the entire party with which he traveled was, five days later, captured by the Cheyenne Indians. After considerable diplomatic parleying, the Indians permitted the party to proceed northward to the Big Horn river, where Captain Palmer settled as an Indian trader. He built the first ferry on that stream and the first cabin in all that section of country, his nearest neighbor being at Ft. Reno, 200 miles away, while three half-breeds and 700 full-blooded Arapaho Indians were available for companionship.

There he remained until the breaking out of the Red Cloud war in July, when old Davy, the chief, quietly confiscated all his goods and held the captain as a captive in a tepee for three weeks. After moving to a point near the historic last battlefield of General Custer, Captain Palmer was liberated by Chief Davy without the loss of his scalp. He traveled on foot to Montana (living on berries and buffalo grass seed), where he engaged in mining until Mar., 1867. In that month he started with a party of sixteen across the Range for Salmon river. It proved a perilous expedition, and five of the members of the party were frozen to death on the way. As one of the founders of Salmon City, the first city clerk of that place, editor of the Salmon River Mining *News* and chief of the vigilantes, Captain Palmer was a well-known and influential citizen until Oct., 1867, when he removed to Virginia City and with Judge Stackpole, late postmaster at Deer Lodge, successfully officiated as mine host of the International hotel.

In Aug., 1868, Captain Palmer returned by way of Ft. Benton down the Missouri river to the States. He drifted around among his relatives until November of the year indicated, when he settled at Plattsmouth, Neb., in the grain business, and it was during the following year that he shipped from that point the first two cars of grain ever shipped by rail from southern Nebraska. Ever since his location at the mouth of the Platte, Captain Palmer has been a resident of Nebraska. In 1870 he embarked in the insurance business, to which he has devoted all of his time during the last thirty-four years. He is one of the foremost insurance men in the entire West, has been an active member of the Northwestern Underwriters' association, a contributor to insurance journals, as well as correspondent of several papers, and for eighteen years was special and state agent for the Home Insurance Co. of New York, for Kansas, Nebraska, Colorado, New Mexico, Wyoming, and Montana. He has also been vice-president of the Missouri, Kansas, and Nebraska board of fire underwriters. In 1889 Captain Palmer removed to Omaha, where he has ever since resided. He has always been a republican, and during his residence in Nebraska has taken an active part in the affairs of his party, having a wide acquaintance and a strong influence among the party leaders in the state and a standing with the national leaders such as is enjoyed by but few Nebraska republicans. He has served several times as a member of the republican state committee, and from 1898 to 1900 as chairman of the executive committee of the republican state committee. He was alternate delegate at large in 1888 to the national Republican convention that nominated Benjamin Harrison for President, and has been a delegate to Republican state conventions fifteen times since the organization of the state. He was grand high priest of Royal Arch Masons of Nebraska during the years 1884 and 1885, has conferred every degree of Masonry to the Royal Arch, and is a Knight Templar. Of other fraternal orders he is a Knight of Pythias, an A. O. U. W., a Woodman of the World, and a Shriner. He is a vice-president of the Sheridan (Wyo.) Land Co. Captain Palmer has always taken an active interest in the affairs of the G. A. R. and the Loyal Legion. He was department commander in Nebraska of the G. A. R. during the years 1884 and 1885, and commander of the military order of the Loyal Legion of the United States, Nebraska commandery, in 1895 and 1896. He was a member of a committee of four in 1884 to secure congressional legislation for the establishment of the national home for disabled soldiers at Leavenworth, Kan., in which some 3,800 veterans now find a comfortable asylum during their declining years. In 1899 he was appointed at the national encampment of the G. A. R. as chairman of a committee to secure congressional legislation for the establishment of a sanitarium for old soldiers at Hot Springs, S. D., "the waters of which springs have been used for curative purposes by the Indians for over a thousand years and around which primitive bath tubs are found scooped out of solid rock." By earnest, insistent work Captain Palmer succeeded in securing the passage of this bill through Congress, authorizing an expenditure of $150,000 for a sanitarium at Hot Springs, S. Dak., and $20,000 for equipment of same; approved May 29, 1902. Since that time he has succeeded in securing for this sanitarium a grand total of over $600,000. The Battle Mountain sanitarium for old soldiers will forever be a monument to his earnest, insistent, and persistent work in battling for his comrades. The buildings are now under construction. He was unanimously elected Mar. 25, 1902, under House joint resolution No. 171, 57th Congress, a member of the board of managers of the National Home for Disabled Volunteer Soldiers, and at this writing is still giving a good share of his time to that work. In civic affairs Captain Palmer has been equally earnest and active. He took a prominent part in the promotion of the two great expositions in Omaha in 1898 and 1899, and has been a prominent factor in the Knights



J. M. Patterson

of Ak-Sar-Ben, the Commercial club, the Omaha club, and other promotive organizations. He was a member of the Omaha park commission from May, 1897, to May, 1903, and served as a member of the Omaha board of fire and police commissioners in 1896 and 1897. Jan. 21, 1904, he was nominated by President Roosevelt as postmaster for Omaha, and confirmed by the Senate the following day.

On June 25, 1870, Captain Palmer was married to Laura Z. Case, then a resident of Plattsmouth, Neb., and has by this marriage two children, George Henry, born at Plattsmouth, Apr. 7, 1871, and Clara Agnes, born at the same place, Dec. 20, 1873. George H. Palmer is now an active member of the insurance firm of H. E. Palmer, Son & Co. He was married Nov. 9, 1898, to Miss Florence Morse, daughter of W. V. Morse of Omaha. His first born, Morse Case Palmer, was born in Omaha, May 17, 1900. Clara Agnes Palmer was married, Apr. 18, 1900, to Mr. Herman D. Kountze, now a member of the firm of Kountze Bros., bankers, New York city, N. Y. Her first born, Palmer Davis Kountze, was born in New York, Jan. 30, 1901.

PATRICK, JOHN NELSON H., deceased, pioneer, son of John and Matilda Patrick, the former of Irish descent and the latter a native of Massachusetts, was born in Meadville, Pa., June 27, 1827, and died at Omaha, Neb., Jan. 29, 1905. He was educated at Madison (Pa.) college, taking the usual college course of that day. When a boy he resided near Pittsburg, Pa., and from there he moved to Uniontown. In 1853 he was elected district attorney of Fayette county, Pa., and served three years. At the expiration of his term he removed to Nebraska, and settled in Omaha, in 1856, where he resided until his death. In 1857, Mr. Patrick was appointed, by the President, as register of the land office at Dakota City, Neb., and served four years. In 1861 he was commissioned quartermaster of the Nebraska volunteers with the rank of first lieutenant in the 1st Regt. Neb. Inf. He was transferred to the 5th Ia. Cav. in 1862, but on account of ill health resigned in May, 1863. In 1866 he was elected from Douglas county to the senate of the Nebraska state legislature, and served in the second, third, and fourth sessions. Mr. Patrick was always a democrat, casting his first vote for Lewis Cass, but in 1896 he voted the republican ticket, not being in sympathy with the Bryan movement for the free coinage of silver. He was a Mason and a member of the Loyal Legion. Mr. Patrick was married, Mar. 18, 1858, to Eliza Wilson. One son, Robert W., is a prominent lawyer of Omaha, and the other son, John E., is interested in and managing a large ranch in Wyoming.

PATTERSON, JAMES MADISON, deceased, was born in Cross Creek township, Washington county, Pa., Sept. 28, 1836, of Scotch-Irish parentage. His ancestry and name are closely interwoven in the annals of the Keystone state and especially in that of western Pennsylvania, from an early date in its colonial history. His father, James Patterson, was born in the same township, Apr. 24, 1798, and his grandfather, Hon. Thomas Patterson, was born in Lancaster county, Pa., Oct. 1, 1764. The great grandfather, William Patterson, was born in Lancaster county, Pa., in 1733, and the great-great-grandfather, James Patterson, was born in County Tyrone, Ire., in 1708, of Scotch-Irish parentage. In 1728 he came to America and settled in Lancaster county, Pa. He was a farmer and followed that occupation during his life. His family consisted of ten children, from whom have descended many men, prominent in statecraft, in law and finance. The great-grandfather, William Patterson, grew to manhood in his native county, where he resided until about the year 1779, when he, accompanied by his family, crossed the Allegheny mountains with pack horses and settled on a tract of heavily timbered land in Washington county, Pa. Here with sturdy toil and persevering industry he transformed his new forest and wilderness home into one of comfort, beauty, and productiveness, upon which, in 1794, he erected a substantial stone dwelling-house, which still stands, a monument to the energy and industry of pioneer life. This property is still owned and carefully preserved by descendants of William Patterson, who traveled to Philadelphia horseback to procure his land patent, which bore the signature of that statesman, patriot, and philosopher, Benjamin Franklin. Hon. Thomas Patterson, grandfather of James M. Patterson, grew to young manhood in his native county (Lancaster), and at the age of fifteen accompanied his parents to their new home in Washington county. Here, after growing into sturdy manhood, he became deeply interested in the necessary means of aiding the development of forest and wildwood into improved productive farms supplying the necessities of pioneer life. For such purposes, on a stream of water called Cross creek, in Washington county, he erected saw- and flouring-mills, and in honor

of its founder the place was named and is still known as Pattersons Mills. In politics, Thomas Patterson ranked among the leading democrats of the day in his native state. He served four terms in Congress and won a high and most honorable record as a statesman. He held a commission in the Pennsylvania state militia and was known as General Patterson. General Patterson was the father of twelve children, three of whom died in infancy, and seven sons and two daughters grew to maturity. The wife died Jan. 8, 1837, and General Patterson died at Pattersons Mills in Nov., 1841.

James Patterson, father of James M. Patterson, passed the early years of his life in the home of his birth, and during early manhood was engaged in the milling business. Later he turned his attention to mercantile pursuits at Pattersons Mills, in which he did an extensive and successful business and accumulated a handsome competence. He was postmaster at Pattersons Mills for many years. He was united in marriage to Miss Eliza Walker, who was born in Cross Creek township, Feb. 22, 1802. Her father, Alexander Walker, was born in Bedford county, Pa., and there began life as a farmer. He subsequently moved to Washington county, where he became the owner of a large tract of land and was successfully engaged in agricultural pursuits until his death. To the father and mother of James M. Patterson eleven children were born, nine of whom grew to manhood and womanhood: Elizabeth, Mary A., Thomas M., Alexander W., Jane, Ambrose, James M., David F., and Emily A. Of this family but two are now living, David F., Pittsburg, Pa., and Emily A., wife of Samuel Latta, residing near Murray, Cass county, Neb. James Patterson died Aug. 17, 1861, and his wife at Pattersons Mills, Dec. 9, 1886, having rounded out the venerable age of eighty-four years.

James M. Patterson received his early education in the public schools of his native county, and when quite young commenced clerking in his father's store at Pattersons Mills. It was in this employment that he laid that foundation for a methodical, practical, and conservative business career in which, during a long life, he was so eminently successful. In company with his brother, Thomas M., the two succeeded to their father's mercantile business, in which they were very successful. In 1860 Mr. Patterson sold out his interest in the store, and in Mar., 1861, removed to Nebraska territory, and settled at Rock Bluffs, Cass county. In company with his brother Ambrose, he engaged in mercantile pursuits, in which they were very successful. At the end of three years the brothers sold out their business, and James M. returned to Pennsylvania, where he purchased 1,000 head of sheep and brought them to Cass county, Nebraska, where they were put upon the prairie to graze. This is believed to be the first experiment in an effort to establish wool-growing in Nebraska as an industry. After experimenting for three years he sold out and again engaged in mercantile pursuits at Rock Bluffs, forming a partnership with his cousin, James A. Walker, now living at Murray, Cass county, Neb. In 1873 the firm disposed of their business and dissolved partnership.

In 1874 Mr. Patterson removed with his family to Plattsmouth, where he resided until his death. His great business ability, his deep interest in all matters affecting the welfare of the people, his very marked popularity with all classes, and the implicit confidence which the general public placed in his capability and honesty soon demanded that he accept public office. Mr. Patterson was in no sense an office seeker. With him, in every instance, it was the office seeking a worthy, competent, and honest man, a man who commanded the confidence of the people alone by his sterling worth and unimpeachable integrity, and this, too, regardless of political considerations or party ties. While a resident of Rock Bluffs he was almost continuously a member of the school board and for a long time postmaster at that place. He was always a strong advocate of the advancement of the public schools and of higher education, and while a member of the school board did much to make the public school of Rock Bluffs at that time one of the best in the county. In 1863 Mr. Patterson was elected a member of the territorial legislature on a union ticket. This was in the midst of the struggle between the North and South, and the legislature did not convene for that reason, and the money appropriated by the general government to pay the members of this legislature was credited to the territorial war tax. In 1870 there arose a bitter factional breach in the Republican party in Nebraska. One faction was led by Gov. David Butler and United States Senator John M. Thayer. The other faction was led by United States Senator Thomas W. Tipton. The reelection of Gov. David Butler and of Senator Thayer was the issue before the people. A strong and prominent element in the Republican party of Cass county, as also in the state at large, opposed the reelection of these gentlemen. This

element and the democrats of Cass county united on an independent ticket, and a mass convention, held on the open prairie on the old Mount Pleasant town site, near Nehawka, placed this independent ticket before the people: For state senator, Lawson Sheldon; members of the house, James M. Patterson, John Rouse, Rev. Joseph T. Cannon, and D. L. Clapp. This ticket was successful with the exception of Mr. Clapp, who was defeated by Frank M. Wolcott of Weeping Water. During this session Mr. Patterson served as a member of the committee on manufactures and commerce and the committee on roads and bridges. This was a most notable, and for the last thirty-two years has been one of the most famous sessions of the Nebraska legislature in the history of the state. In the record of its proceedings is found the only instance where the Chief Executive was impeached and removed from office. On Wednesday, Mar. 1, 1871, a committee from the house solemnly marched into the senate chamber, and there, through its chairman, announced that the house of representatives impeached Gov. David Butler of misdemeanors in office. The senate was organized into a high court of impeachment. A long and bitter trial followed, lasting until June 1, 1871, when the final vote was taken, resulting in a judgment of conviction and removal of Governor Butler from office, the judgment not extending to disqualification to hold office. Mr. Patterson in politics was a democrat and always a trusted leader of that party. Among pioneer leaders of the party he was the associate of J. Sterling Morton, Dr. George L. Miller, James M. Woolworth, James E. Boyd, Judge Wakeley, and many others, of whom but few remain. While in a party sense he was a firm believer in and stanch supporter of the tenets of his political faith, yet he was always considerate and tolerant of the political opinions of those who did not agree with him. This enviable characteristic, together with his strong personality, always attracted to his support for political preferment many who affiliated with other political parties. His candidacy for public favor did not end with membership of the legislature in 1871. Soon after his removal to Plattsmouth he was elected city treasurer, which office he held for five consecutive years, having been first elected in the spring of 1877. In the same year he was elected county treasurer on the democratic ticket, receiving a majority of 626, and overcoming a republican majority of over 700 in the county. In 1879 he was reelected county treasurer, and thus had the unusual distinction of holding for four years two offices involving in their administration the collection, care, and disbursement of the money paid by the taxpayer. In 1882 Mr. Patterson was elected state senator and served with distinction during the legislative session of 1883. He was chairman of the senate committee on state prison and member of the committee on banks and currency, ranking second on this committee. He was also member of the committee on military affairs. During his service in the state senate it is a singular coincidence that he met as associate in the senate David Butler, whom he had helped to impeach and remove from office, so far as a member of the house could do, twelve years before. Governor Butler had been elected state senator from Pawnee county, and, notwithstanding the relations which existed twelve years before, Senators Patterson and Butler met as equals and peers upon the senate floor. In 1884 he was a candidate on the democratic ticket for presidential elector, the ticket being better known as the Cleveland and Hendrick's ticket. In 1888 he was the choice of his party for state treasurer, and although defeated, ran far ahead of his ticket, and more especially where well known. Mr. Patterson's last experience as an officeholder occurred in 1894. It was the one instance in his official life when his election did not result from a popular vote of the people, but by the legally constituted authorities who alone had the power and whose duty it was to fill a certain vacancy. Sereno W. Dutton, who for years had held the office of county commissioner, died while chairman of the board on Dec. 5, 1894. County Judge B. S. Ramsey, County Treasurer Louis Eickhoff, and County Clerk Frank Dickson were the three officials whose duty it was to fill this vacancy. On Dec. 7, 1894, these officials met in discharge of their duty. Each had a favorite candidate. Ramsey selected James M. Patterson; Eickhoff selected Stephen A. Davis; and Dickson selected A. B. Todd. One hundred and twenty-eight ballots were taken, and the vote stood the same as on the first ballot—one vote for each. On Dec. 8, 1894, on the 130th ballot James M. Patterson was chosen, and immediately became chairman of the board.

After the organization of the bank of Cass county in 1880, Mr. Patterson became largely interested as a stockholder. He became cashier and director Dec. 6, 1881, and held both positions until Jan. 19, 1901, when, by reason of failing health, he was compelled to give up the arduous duties of cashier. At this election of bank officers he was chosen

vice-president, also director; the former office he held at the time of his death and the latter since 1881. As cashier he diligently devoted his well-trained business ability to promoting the best interests of the bank, and succeeded in establishing a reputation for the bank for stability, safety, and usefulness second to none in the state. The great success and continued prosperity of the Bank of Cass County was the pride of Mr. Patterson's many business ventures during his long and busy life. To him it was not alone an aggregation of capital for mere gain, but more—a school in which his sons and others learned practical financiering for the benefit of aggregate capital and for the benefit of the patrons—the public at large. Mr. Patterson was also largely interested in other banking institutions, including the now flourishing State Bank of Arapahoe, Neb., in which he owned a controlling interest; also in the Bank of Holbrook in Furnas county.

On Aug. 17, 1858, Mr. Patterson was married to Miss Ellen H. Campbell, who was born Oct. 31, 1838, in Cross Creek township, Washington county, Pa. Only a public highway separated the homes in which were born the children who afterward became husband and wife, the husband but little more than two years older than the wife. Mrs. Patterson was of that beautiful type and character of womanhood which so silently attracts respect, admiration, and love. The queen of her home, devoted to husband and children, she ever held their first consideration and their devoted love. With friend, neighbor, the sick and needy, with all with whom she came in contact, the same generous nature, the same sweet womanly graces and charms attracted lasting friendship. To Mr. and Mrs. Patterson ten children were born: Kate Florence, born May 24, 1859, at Pattersons Mills, Pa., died Aug. 30, 1860; Ellen, born May 29, 1872, at Rock Bluffs, Cass county, Neb., died Apr. 8, 1882; Jennie C., born Nov. 14, 1860, at Pattersons Mills, Pa., married Hon. Robert B. Windham, June 12, 1879, died Jan. 18, 1897; James, born Mar. 9, 1863, at Rock Bluffs, Cass county, Neb., resides at Arapahoe, Neb., twice married, to Miss Grace Anderson, Feb. 14, 1888, who died July 4, 1898, and to Miss Euphemia Robbins, Nov., 1899; Thomas M., born Sept. 23, 1865, at Rock Bluffs, Cass county, Neb., resides at Plattsmouth, Neb., married to Miss Nettie E. Meyers, Nov. 2, 1887; Samuel, born Oct. 3, 1867, at Rock Bluffs, Neb., married to Miss Rose B. McCauley, Oct. 3, 1891, and resides in New York city; Lida W., born Feb. 20, 1870, at Rock Bluffs, Neb., married Thomas H. Pollock, Dec. 17, 1890, and resides at Plattsmouth, Neb.; Edith P., born Oct. 11, 1874, at Plattsmouth, Neb., married to Charles H. King, June 27, 1900, resides at Waukegan, Ill.; Charles A., born Nov. 2, 1877, at Plattsmouth, Neb., unmarried, and resides in Plattsmouth, Neb.; Rea F., born Apr. 1, 1880, at Plattsmouth, Neb., unmarried, and resides in last named city. Mrs. Ellen H. Patterson died at Plattsmouth, Neb., Jan. 29, 1897, and the husband, James Madison Patterson, died at Plattsmouth, Neb., Mar. 26, 1903. For two years immediately preceding his demise Mr. Patterson had retired from an active business life on account of an affection known as Bright's disease, and which proved the remote cause of his death. On Sunday, Mar. 29, 1903, he was buried in Oak Hill cemetery in the family burial grounds, where all the deceased members of his family were buried except the daughter, Kate Florence, who was buried at Pattersons Mills, Pa. Mr. Patterson's funeral was under the auspices of the Masonic fraternity, of which he had been a member from early manhood, and also the order of Elks, of which he was the first member in Plattsmouth to pass away. The children of this most interesting and pioneer family who arrived at mature age became striking examples of the careful home training received in childhood. The sons, now leading business men, commanding confidence in ability and integrity as did their father; the daughters in beautiful home life, reflecting the charms and graces which so adorned and made attractive the home life of childhood, when mother's love tenderly guarded and directed advancing womanhood. James M. Patterson had almost reached the psalmist's allotted life-span, three score years and ten. The world—mankind—are better that he and such as he have lived. To his children, his grandchildren, to his descendants, the lesson of a useful, honorable, successful life work which he has left will not have been in vain, nor will his friends, and they are universal wherever he was known, fail to profit by the example of a useful, noble life, now crowned in death. His name, his fame, live not as if immortalized with crown upon soldier brow, but live now and will live on, entwined about and enshrined within heart of child, grandchild, friends, and generations yet to come. His heart to worthy poor and needy was always touched to generous alms, but the Christian act was silently hidden behind a nature too noble to wish for public praise for charitable act. Although not a member of any church, yet the Christian heart and hand were part of his being. His Christianity, his religion

were more than merely ritualistic and observance of outward form. It was that religion, inborn within the heart, which prompts the Christian act, rather than such as is imposed by church covenant and sectarian discipline. In all business affairs and transactions Mr. Patterson was the soul of honor. His whole nature revolted at a mean, dishonest act or word for the purpose of securing gain. In all his official life his first consideration, his highest ambition, was to perform his duties properly, faithfully, and well. But of all his noble qualities of heart and soul, none shone more resplendently and typified higher manhood than did his love for home and family and loyalty to friends. Financial successes, commendation for well and faithfully performed official duties inspire pardonable pride; but in the family circle, surrounded by loved and loving ones, in association with his many friends in genial fellowship and faithfulness to friendships, seldom, if ever, broken, is more clearly and truthfully reflected the noble manhood of James M. Patterson.

BASIL S. RAMSEY.

PAXTON, WILLIAM A., pioneer, capitalist, and business man of Omaha, Neb., enjoys the distinction of having been the principal promoter of the great enterprise of the founding of South Omaha, one of the greatest meat packing centers of this continent. He was born on his father's farm at Springfield, Ky., Jan. 26, 1837. His father was a native Virginian, descended from Scotch ancestry. He was next to the eldest of a family of five children. During his earlier years he attended the district school at his native place, and when he was twelve years of age his father moved to Middleton, Montgomery county, Mo., again settling upon a farm. In the fall of the following year William left home and worked for a farmer a year and a half at $8.50 a month. With his savings out of this meager salary he was able to buy ox teams and engage in breaking prairie for settlers in that vicinity. After two years thus employed he was engaged to take charge of the farm of M. J. Regan at a salary of $200 a year. He continued four years in that work, until, in 1857, Mr. Regan secured a bridge contract on the old military road from Omaha to Ft. Kearney and took Mr. Paxton with him to execute it. He reached Omaha Jan. 13, 1857, and worked as foreman for Regan until December, when, having finished the contract, he returned to his former home in Missouri and took up farming, having previously, on Feb. 22, 1858, married Mary Jane Ware, daughter of James W. Ware, who has shared his fortunes ever since. Two children have been born to them, William A. Paxton, Jr., and a daughter who died in infancy. The two years following his marriage were spent, with poor success, in farming in Missouri, and he returned to Omaha in 1860 and engaged in freighting from that place to Denver, a life of arduous toil and constant danger from Indians. In 1861 he worked for some time for M. J. Regan at building the Western Union telegraph line westward from Omaha across the continent. In the latter part of that year, having again saved a small amount of money, he returned a second time to Missouri and resumed farming, at which he lost nearly everything he had. With his wife and $135, all he possessed, he again started to Omaha, arriving July 7, 1863. He soon found employment in a livery stable operated by Wilbur & Coffman, where he worked until June of the following year at $50 a month. Upon leaving this employment he took charge of a freighting outfit operating between Omaha and Denver and Ft. Laramie. In the fall of 1863 he purchased of Edward Creighton a team for freighting, going in debt $1,050 for it, which he agreed to pay in four months. With this as the nucleus he continued in the freighting business, adding to his equipment as his earnings would permit, until in 1867 he secured a grading contract on the U. P. R. R. Upon completing the ten miles west from Julesburg, he went to Sherman and was engaged in getting out ties for the same road until June, 1868, when he took 6,000 men and 1,500 teams of the U. P. grading forces from Rock Creek, Wyo., to Green River, where he worked for three months. He was then sent to Tie Siding, Wyo., to work in getting out ties, where, during the winter, he sold out his train and returned to Omaha. In May, 1869, with the money which he had made in his railroad work, amounting to about $15,000, he bought a lot of cattle in Kansas, which he drove to Omaha and sold, clearing $12,000 on the deal. This was his start in the business which was destined to yield him a large fortune. Meantime, however, he took a contract for the construction of ten miles of the O. & N. W. R. R., running north from Omaha to Oakland. He was one of the incorporators of this line, which afterwards became a part of the C., St. P., M. & O. In 1870, in company with others, he went into the business of supplying the government with cattle, giving his attention at the same time to his ranch at Ogalalla, Neb. At the end of six years he gave up the contracting business, but he con-

tinued in the cattle business until 1883, when he sold out for the snug sum of $675,000.

When the builders of the Paxton hotel had decided to stop at the fourth story, Mr. Paxton insisted that another story should be added, and he suggested that if they would make the building five stories he would raise the necessary funds, which was agreed upon. After this was done the parties submitted to him three names for the house, one of which was his own. He rather objected to this honor, but he was overpersuaded, and the new hotel edifice was named in his honor. In 1888 he built the Paxton block, one of the finest office buildings of the city, at a cost of $441,000. The Ware and Granite blocks are also testimonials of the faith he has always had in Omaha. In 1879 the Paxton & Gallagher wholesale grocery business was established, which has been a material factor in the upbuilding of Omaha's jobbing interests. In 1886 he was one of the organizers of the company that erected the Paxton & Vierling iron works, which for years has furnished employment to a large force of men. He was vice-president of the Omaha Savings bank, organized in 1882. He was also one of the stockholders upon the organization of the Nebraska Telephone Co. in 1879, and in 1880 he was one of ten men who purchased and equipped the old fair grounds north of the city, where the state fairs were held for several years thereafter. He has always been a large holder of Omaha realty, and it is said that the buildings he has erected in Omaha have cost upwards of $600,000. In 1878 he was one of the chief organizers of the first Union Stock Yards Co., which, after operating for a time on the Nebraska side of the river, removed to Council Bluffs. In 1883 he became one of the most active and enterprising promoters of the Union Stock Yards Co. of South Omaha, of which he is now the president. In fact, he has ever since been prominent in the affairs of that very important and successful corporation, and has participated in the organization and operation of its various auxiliaries, including the Union Stock Yards bank of South Omaha, the Union Stock Yards R. R. Co., and the South Omaha Land syndicate, which founded the city. Mr. Paxton has always been a democrat, but upon the division of the party in 1896 on the silver question he adhered to the gold standard faction. In 1881 he was elected to the lower branch of the state legislature. He has always been esteemed as a man of marked generous impulses, and many of his fellow townsmen recall his acts of kindness in lending substantial aid at times when it was most needed. The fact that his generosity has often been imposed on has not deterred him from giving new examples of it.

PEABODY, JAMES H., M.D., was born in Washington, D. C., Mar. 7, 1833. He attended private schools in that city until thirteen years of age, when his father died. He is descended from two old colonial families with English antecedents. The Peabody branch traces its lineage to the early Britons. In 1635 its American progenitor, Lieut. Francis Peabody, came from St. Albans, Hertfordshire, a town near London, to New England, and in 1649 he was a justice of the peace at Ipswich, Mass. One of his descendants, the great-grandfather of James Henry Peabody, assisted at the Boston tea party, and Gen. John Peabody, his grandfather, was one of the wealthiest merchants in Newburyport, Mass., in the latter part of the eighteenth century. He contributed largely of his means for building gunboats for the defense of the United States in 1799. John Peabody, father of James Henry, accompanied his father, then a general in the Massachusetts militia, when he went to Washington to tender his services to President Monroe for the War of 1812. When General Ross captured Washington, John Peabody, then but fourteen years old, shouldered a shotgun and went to Bladensburg to aid in repelling the British. When he reached his majority he became the commander of some of the finest merchant vessels sailing out of Richmond, Washington, and Baltimore. Although chiefly in the Liverpool merchant service, he made several trips to Chile and Peru. George Peabody, the noted philanthropist, and a wealthy American banker, was reared in the home of the elder John Peabody, his uncle, and accompanied the latter to Washington, also in 1812. During the latter years of his life this member of the Peabody family gave to the poor of London and the educational institutions of America the sum of $6,000,000. For his charities to the London poor, while a citizen of the United States, Queen Victoria in 1866 wrote him a letter of grateful recognition of "the noble act of more than princely munificence by which he sought to relieve the wants of her poorer subjects of London." This letter is treasured in the family archives. In it the Queen says that she would gladly have conferred upon the benevolent American a baronetcy or the grand cross of the Order of the Bath, but she understood that he felt himself debarred from accepting such a distinction,

as he was a citizen of the United States. She therefore sent him a miniature portrait of herself, painted at her desire for him.

Dr. Peabody's mother was Amelia Humphreys Cathcart, whose grandfather, Major Malcolm Cathcart, was in the English army. His sympathies being with the colonists, at his request he was assigned to duty in Europe. The eldest son, a lad of eleven years, became a midshipman in the United States naval service, serving on board the United States frigate Confederacy, Capt. Seth Harding, commanding. At the close of the Revolutionary war he entered the merchant service, and while mate on a ship was captured off the coast of Spain by Algerian pirates and taken to Algiers. Having attracted the attention of the Dey by his determined insubordination to the commands of his piratical masters, he was rescued from the latter just as they were about to roast him alive, and subsequently became clerk and then Christian secretary to the regency. After eleven years of captivity, he was sent by the Dey to Philadelphia as the bearer of dispatches during President Washington's second term; and following is his letter of credentials from the Dey to Washington:

"Vizer Hassan Bashaw, Dey of the City and Regency of Algiers to George Washington, President of the United States of America—Health, Peace, and Prosperity:

"Whereas, peace and harmony have been settled between our two nations through the medium of two agents of the United States, Joseph Donaldson and Joel Barlow, and as eight months have elapsed without one article of their agreement being complied with, we have thought it expedient to dispatch James Leander Cathcart, formerly our Christian secretary, with a note of such articles as are required in this Regency, likewise with a form of Mediterranean passport, in order that you may furnish your consul resident here with such as fast as possible. For further intelligence I refer you to your consul resident here and to the said James Leander Cathcart, and I pray you whatever they may inform you of to forward our negotiation may be fully credited and that said Cathcart may be dispatched with such part of the articles specified in our negotiation as are ready with all possible expedition, for which purpose we have granted said Cathcart a Mediterranean passport commencing the date thereof from the first of May in the year of your Lord, one thousand seven hundred and ninety-six.

[L S] Done in the Dey's palace by our [L S] order and sealed with the great seal of the Regency, on the 26 of the Suna of Carib, in the year of the Hegira 1210, which corresponds with the 5th of May, 1796.

"(Signed) VIZIR HASSAN BASHAW

"Dey of the City and Regency of Algiers."

In 1847 James H. Peabody was left by the death of his father to share with an elder brother the support of their mother and three younger children. The brother secured an apprenticeship in the machine shops of the navy yard, and has ever since been employed there. James first entered the employ of a hatter, but later his uncle, Charles W. Cathcart, came to Congress from Indiana and obtained for him a position as page in the House of Representatives. Abraham Lincoln was a member of Congress at that time and the former page still treasures many recollections of him. While thus employed he increased his meager store of learning. In 1848 Gen. Lewis Cass, then a candidate for President, took an interest in the lad and urged him to study law, offering to take him to Detroit, and place him in his office there and supervise his studies, but he remained in the House of Representatives as page and clerk, gaining wider knowledge in listening to the debates, until in 1852, after the election of Franklin Pierce, he was given a clerkship in the pension office, refusing a cadetship at West Point because it did not furnish the means to support his widowed mother. There he remained until 1861, when a change in the administration resulted in a request for his resignation. Meantime he had pursued a seven-years course of study at the University of Georgetown, from which he was graduated in 1860, receiving a medical diploma. During the last year of service in the pension department he practiced his profession before 9:00 A.M. and after 3:00 P.M.

In the early days of Lincoln's administration the clerks in the departments drilled daily in the corridors, and among them was young Peabody. In 1862 he offered his services to the government, and was appointed acting assistant surgeon, serving in and around Washington until Sept., 1862, when he was ordered to report to the medical director of General McClellan's army at Antietam. Subsequently he did hospital work at St. Louis, Franklin, Tenn., Leavenworth, Kan., and Omaha. He assumed his duties as medical director of the Department of Nebraska, July 17, 1864, and although he was subsequently sent elsewhere he dates his residence in Omaha from that day. He was commissioned full surgeon with the rank of major by President Lincoln in 1863 and brevet lieutenant-colonel by President Johnson for faithful and meritorious

service during the war. The latter also offered him a life commission in the regular army, but the doctor preferred private life in times of peace. After being mustered out of the service in 1865 Dr. Peabody matriculated at Belleview college, N. Y., in October of that year, attended clinics in that city until the spring of 1866, and then returned to Omaha. He was almost immediately appointed acting assistant surgeon in the army with special detail to attend the officers of the army and their families at Omaha city. He also engaged in general practice. Except one year spent in California because of the failing health of Mrs. Peabody, he has lived ever since in Omaha. He has enjoyed a large and lucrative practice and has done much for the upbuilding of the city. Besides investing largely, he has contributed liberally to churches, hospitals, schools, and other public enterprises. Among his donations are $1,000 to the Grand Central hotel and like sums to the stock of both the N. W. and S. W. railways, two of Omaha's early railroad enterprises.

Dr. Peabody has been a master Mason in Capitol lodge, Omaha, since 1864. The Nebraska State Medical association was organized in his office in May, 1868, and he was the second president, being elected in 1869, and he delivered a valedictory before it in 1870. In the same year he went to Washington, D. C., as its first representative in the American Medical association. He is a charter member of the Loyal Legion of Nebraska, and a member of Custer Post, G. A. R. He is a colonel in the Nebraska National Guard, and was for three years a member of Governor Holcomb's staff. He is a professor of military surgery in Creighton Medical college. He was a delegate to the Trans-Mississippi Congress in Omaha in 1895, and aided with all his power the promotion of the Trans-Mississippi and International Exposition. He served for a number of years as consulting surgeon for the U. P. and surgeon of the C., St. P., M. & O. R. R. Cos. and for twenty-odd years as attending physician at St. Joseph's hospital. In 1897 he was appointed a member of the Omaha fire and police commission by Governor Holcomb.

Under the tutelage of General Cass, who was Secretary of State under President Buchanan and Secretary of War under Andrew Jackson, Dr. Peabody became a Jacksonian democrat. He remained a member of the Democratic party until 1893, when his opposition to the issue of money by national banks and his belief in the coinage of both gold and silver on equal terms led him into the people's party, and he vigorously supported Bryan for President in 1896. In 1894 he came within two votes of receiving the fusion nomination for congressman from the 2d district, and in 1895 he was the populist candidate for mayor of Omaha, on a platform favoring municipal ownership of all public utilities.

Dr. Peabody is a member of the Episcopal church. He has been a communicant at Trinity cathedral for thirty years, was one of its builders, and was for over twenty years a vestryman therein.

Dr. Peabody was married May 26, 1859, to Miss Mary Virginia Dent at Louisville, Ky. Many of the older citizens of Omaha remember her as a very lovable lady who spent the winter of 1864 and 1865 in Omaha with her husband. She died in St. Louis, Aug., 1865, leaving one son, Dr. John Dent Peabody of St. Petersburg, Fla. Dr. Peabody was again married, Nov. 21, 1867, at Trinity cathedral, Omaha, to Eliza Jennie D. Yates, a native of Maryland, who was known as one of the most active in all good works for the city in the early days of its history. The issue of this marriage was one child, Julia Amelia, who died when scarcely eleven months old.

PEABODY, ELIZA J. D., was a native of Leonardtown, Md., where her father, William Joseph Yates, was born in 1810. He was postmaster in his native town for over twenty years and was in moderate circumstances when he emigrated to Omaha in Apr., 1865, and became one of the most active workers among the poor of Trinity cathedral parish. He died in Omaha in Oct., 1875, and his memory is still cherished by many who recall his benevolences and Christian zeal. He came from a family that settled early in the history of this country on the hill slopes of the Blue mountains south of Harpers Ferry, Va., a family of distinction in the history of that section. His father emigrated to Leonardtown, Md., early in the nineteenth century, married Miss Jennie Stone of St. Marys county, Md., and raised a large family. One of his sons, Lieut. Benedict Yates, was killed in the Mexican war. Mrs. Peabody's mother was Julia Ann Yates, a native of Georgetown, D. C., where she was born in 1810. She was a daughter of Stephen Norris, a civil engineer and architect of considerable celebrity, who has left his imprint upon the architecture of the national capital. Her grandmother was Mary Taney, a cousin of Chief Justice Taney, and was a direct descendant on both the paternal and maternal sides

from the Catholic families who came to this country with Leonard Calvert (Lord Baltimore), the first settler of Maryland. She was also a relative of Archbishop Neale of Maryland. She was married to William Joseph Yates in Leonardtown in 1829, and was the mother of ten children, seven of whom came to Omaha in the early '60s to establish homes, viz., Mrs. Mary E. Hayden, Miss Jennie Yates, Henry W. Yates, Joseph H. Yates, George C. Yates, Willis M. Yates, and Edgar O. M. Yates. The surviving members of this family are Henry W. and George C. Yates.

Mrs. Peabody was born Aug. 22, 1835, and her early education was acquired in Leonardtown, Md., one of the historical points among the beautiful hills that skirt the lower waters of the Potomac. She was studious as a school girl and profited by her superior advantages. She was invited to write for the Baltimore *Sun,* the Annapolis *Gazette,* and St. Marys *Beacon.* When she had reached the early age of twenty-one an influential friend insisted that her poems should be published at his expense, and a neat little volume of 132 pages of short compositions in verse, appropriately entitled Fragments, was issued from the publishing establishment of J. W. Bond & Co., Baltimore, Md. After removing to Nebraska she wrote for the Hartford *Churchman* and other church papers, and for the Omaha *Herald* when it was under the editorial management of Dr. Miller, the more memorable productions at that time being Legends of Nebraska and the West, and Songs of Times and Seasons. She also contributed later to the *World-Herald* and the *Excelsior.* One of her last compositions was entitled "For Cuba Free." The publication of this brought her some very gratifying acknowledgments from people abroad and many kindly notices from the press. One of Mrs. Peabody's poems entitled "Uncle Sam's Party for Columbia" was published as a Columbian souvenir and distributed from the Nebraska building at the Columbian Exposition in 1893.

At Trinity cathedral, Omaha, Nov. 21, 1867, Miss Jennie Yates became the wife of Dr. James H. Peabody, a prominent Omaha physician. The issue of the marriage was one daughter who died in her first year. Mrs. Peabody died at her home in Omaha, May 1, 1902. The obsequies were conducted at Trinity cathedral, May 3, Bishop Millspaugh of Kansas officiating, assisted by the Rev. R. E. L. Craig of Trinity and the Rev. T. J. Mackay of All Saints. A large congregation of "old settlers" and other citizens were present to pay their respects to the departed. The interment was at Prospect Hill cemetery, Omaha.

PECK, JAMES PORTER, M.D., deceased, pioneer physician of Omaha, was born in Stow township, Summit county, O., Oct. 11, 1821, and died at Omaha, Neb., Feb. 20, 1887. He was the second son of Sherman and Anna Peck, and in his infancy was taken by his parents to Hudson, and in 1833 the family moved to Cuyahoga Falls. At the early age of fourteen years he entered the office of the Ohio *Observer,* and there began the study of the art of printing, in which he was engaged until he arrived at his nineteenth year. While in the employ of the Ohio *Statesman* at Columbus he commenced the study of medicine, giving to it all the time he could spare from his duties on the paper. In the spring of 1842 he removed to Chillicothe and commenced a regular course of study in the office of Dr. Wills, the most prominent practitioner in that city, but his health gave way because of too close application, and he was compelled to abandon his studies for a time and seek employment in work less congenial, but that would afford an honorable means of livelihood and enable him at the same time to regain his health. In the fall of 1842, at the request of a number of his fellow citizens, he went to Cincinnati and purchased an outfit for the establishment of a newspaper, and during that campaign published a paper at Chillicothe, called the *Ancient Metropolis.* Afterwards, and until the spring of 1848, he employed his time in selling dry goods at Chillicothe and Circleville. In the spring of 1848, finding his health perfectly restored, he removed to Akron and resumed his studies under D. D. Evans, M.D., one of the leading physicians and surgeons of the state, and the following winter attended his first course of lectures. It was during the never-to-be forgotten cholera epidemic of 1849 that he evidenced his wonderful love for suffering humanity and heroism in the course of duty, as God gave him to see it. In Sandusky, where the disease was so very severe and fatal, the local physicians became panic-stricken and fled, betraying their trust. The way of duty to him was clear. Here was sick, suffering humanity, abandoned by those who should have stuck closer than a brother. Knowing well the danger, he did not shrink, but accompanied Dr. Evans to this plague-stricken city, sharing with him all the dangers and discomforts incident to such a situation, remaining at his self-imposed post of duty until his preceptor was stricken down with the

disease, when he accompanied him to Cleveland. He continued his studies at the Cleveland Medical college, from which he was graduated in the spring of 1850. In June following, he married Miss Elizabeth H. Ames, the daughter of Elisha Ames, of New London, Conn., who for nearly two score years, walked by his side, a helpmeet indeed, sorrowing with his sorrow, rejoicing with his joys, glorying in his triumphs, in all the kindest, dearest, and the truest that ever bore the name of wife. After his graduation he returned to Akron and commenced the practice of his profession. He remained in Akron, where two sons were born to him: William Ames, who died young, and Edward Porter, now living, a prominent citizen of Omaha. In July, 1856, with his wife and boys, he removed to Omaha and commenced the practice of his profession, and from the day of his arrival he took foremost rank, which he maintained until his death. In all the relations of life Dr. Peck shone out preeminently as a noble, truthful, generous, honest, manly man, doing unto others as he would have them do to him. As a surgeon, he ranked high as a skilful, successful operator, and during the early years of his practice in Omaha was called for, from all the adjacent territory, upon all difficult and unusual cases. As a physician, careful, attentive, knowing full well that on his skill depended the life of his patients, watching every sympton with the care of a mother for her babe, giving to all the benefit of the ripe experience of his life, knowing no difference between the rich and the poor—only a little more tender, if possible, to the poorer ones. He was not only the family physician but the family friend, and retained to the last the affection of his patients. Although pronounced in his opinions on all political issues, he was in no sense a politician. Prompt in utterance as to matters touching his country, giving no uncertain sound, yet he knew too well that all could not arrive at the same conclusion, so he was anxious that those differing from him should have the same right of enjoying their views as he demanded for himself. In 1857 he was one of the charter members of the Nebraska Medical society, city physician of Omaha from 1858 to 1861, was president of the Omaha Medical society in 1866, one of the trustees of the Omaha Medical society in 1869, and held the chair of principles and practice of surgery and clinical medicine. He died Feb. 20, 1887, surrounded by those near and dear, in the communion of the Catholic church, in the confidence of a certain faith, in the comfort of a reasonable religion and holy hope in favor of God, and perfect charity with the world.

PECKHAM, PERRY MUMFORD, pioneer, Omaha, Neb., son of Perry M. and Nancy L. Peckham, was born in Bristol, R. I., Mar. 20, 1816. The family emigrated from Scotland in an early day and settled in New England, where they remained for many generations. Perry M. Peckham, Sr., was a native of Rhode Island, and died at the age of ninety-three, in Pawtucket. His son, the subject of this sketch, early acquired a taste for a sea-faring life, for his birthplace was an important whaling seaport. Failing to obtain his parents' consent to go to sea, he shipped on a voyage without it, and spent his thirteenth birthday on the Sandwich Islands. There on board a vessel he learned the trade of shipwright, but continued to follow whaling as a business for many years, even sailing so far north that the sun did not set for three days. He finally rose to the position of first mate on his ship. While on his return from his last voyage he spoke a ship outward bound off the coast of Chile, from which newspapers from home were obtained, and from these he learned that the public domain of the territory of Nebraska was open to preemption and settlement. He then determined, while slowly coming homeward in the South Pacific ocean, to become a settler and citizen of the new territory. As soon as he could arrange his affairs and pack his household goods he started with his family for Nebraska, just two weeks after his return from sea. They traveled by rail to St. Joseph, Mo., and by steamer from there to Omaha, being twelve days en route from St. Joseph. They arrived in Omaha, May 26, 1856, and hiring a conveyance at a cost of $8, they drove to the house of Charles E. Smith, a brother of Mrs. Peckham, with whom a temporary home was made. Mr. Peckham preempted a quarter-section of land in Sarpy county for which he paid $400 in gold. Upon this farm he remained until 1885, devoting his time to the cultivation of the land. He also did a good deal of pioneer work along the line of fruit culture, and two large apple and peach orchards attested the possibilities of Nebraska soil and climate in fruit growing. In 1885 the farm was sold and the family moved to Omaha.

Mr. Peckham in politics was always a republican, but not a seeker after office. He was converted in early youth while at sea, and united with the Baptist church of his home town. He was a deacon in the Baptist church at Bellevue for many years, and was

always a consistent Christian. He was married, Mar. 23, 1839, at Fall River, Mass., to Nancy Peabody Smith, who was born on the island of Rhode Island, Mar. 14, 1816. She was the daughter of Edward and Abigal Perry Smith, whose ancestors were among the very earliest settlers of Rhode Island, and were large property owners thereon. There was born to this marriage one son, Jan. 14, 1840, William Hague Peckham, who lived with his parents until his death in Omaha, Aug. 3, 1898. Mrs. Peckham came to Nebraska with her husband, son, and adopted daughter, Helen M. Coit Peckham, and experienced all the pleasures and hardships incident to the wife of a pioneer. Mrs. Peckham was also a member of the Baptist church, having become a Christian in her youth, and in the sparsely settled territory was ever an angel of mercy in the homes of her fellow settlers. She died Oct. 26, 1896. Mr. Peckham is spending the remaining days of his life in peace and plenty, making his home with his daughter Mrs. E. E. Womersley, wife of Dr. Womersley of Omaha.

PENDLETON, HENRY, Nebraska pioneer and successful farmer and stock grower of Otoe county, was born in Oxford, Chenango county, N. Y., May 27, 1830, and died in Otoe county, Neb., Apr. 15, 1894. He was a descendant of one of the oldest of New England families. His grandfather was a captain in the Revolutionary army under command of George Washington. His father, Isaac Pendleton, was born near Pendleton Hill—named for the family—in the state of Connecticut, and was of Quaker stock. He married Bridget Stanton, who died at the age of forty-five years, the mother of ten children, of whom Henry Pendleton was the youngest. He was two years old at the time of his mother's death. He was reared under the care of a step-mother, who, after his father's death at the age of sixty-three, married Judge Reynolds of Cortland, N. Y. Until he was twenty-two years old Mr. Pendleton remained near his old home, working by the month as a farmer; then for three years he lived in Pennsylvania, dividing his time between teaching school and farm work. In 1855 he returned to New York state and spent about a year at Corning and at places in Chemung county. He was economical in his habits and from his earnings had saved about $3,000, which he loaned to one of his employers in Tioga county, Pa., and lost it all through his failure. In Mar., 1856, Mr. Pendleton removed to Nebraska, and after spending a few days at Omaha went to Elkhorn City. There he took up a claim, with only one neighbor within many miles. He was soon left without neighbors, and, growing lonesome, he, too, gave up his claim and returned to Omaha. A few months later he went to Otoe county, and entered the claim that he lived upon until the time of his death, and which is now the family homestead. Here he built a rough log cabin, and suffered the loneliness and hardships incident to pioneer life. He was full of energy and determination to succeed, but was unfortunate in many ways. At first he was disappointed in the selection of his claim, and paid a squatter for breaking land not included in his homestead; then the cattle ate up his young growing corn; and in 1859, when working at threshing, his arm was caught in the machinery and so crushed that amputation was necessary. In 1863 a crop failure left him almost penniless. Still he persevered, and soon was on the road to success again. He farmed and dealt in stock, fed stock for the markets, and in all was accumulating money fast, but in 1875, through the grasshopper plague and other misfortunes, he was a heavy loser. He stood out against discouragement, however, and during the remaining years of his life was successful in his undertakings, and became one of the wealthy men of the county, and highly respected and honored. Mr. Pendleton was married on Jan. 16, 1860, to Helen M., daughter of Ezra and Freelove (Peck) Cary, who was born in Richfield, Otsego county, N. Y., Jan. 24, 1831. They reared three of the six children born to them, those who reached adult age being May, now the wife of John T. McKinnon, Lincoln, Neb.; Grace, wife of George Overton of Otoe county; and Fanny, wife of A. Earle Chaffee, Syracuse, Neb. The other children died in early youth as follows: Freelove H., at the age of three and a half years, Minnie, at the age of five, and Carrie, at the age of eighteen months. Mrs. Pendleton still lives in excellent health and resides on the old homestead. In politics, Mr. Pendleton was raised a whig, and became a republican with the organization of that party. Over his protest, he was elected a delegate to the first Democratic convention held in Otoe county and attended, but was not permitted to take his seat. He remained a stanch republican until his death. He was at one time a candidate for the state legislature, but was defeated by two votes.

PICKENS, CHARLES HENRY, prominent in the commercial circles of Omaha and

the state of Nebraska, was born in Detroit, Mich., Feb. 21, 1856, and when he was ten years of age removed with his parents, Jonathan H. and Elizabeth A. (Clark) Pickens, to Omaha, where nearly half a century of his life has been spent. His education was acquired in the public schools of Omaha, and his school days were ended when he was eighteen years old. In 1874 he began to work in the office of the Taft & Woodman Linseed Oil Co., first as an office boy, but within a year he was promoted to the superintendency of one of the departments of the concern. Under the personal instruction of Mr. Woodman of the company he learned the intricacies of engineering as it particularly relates to linseed oil manufacturing, and was the engineer for the company for three years. In 1879 he left the employ of the linseed oil company, and entered the wholesale grocery house of Paxton & Gallagher, as a bill clerk and collector. He was employed by this firm until 1895, when it was changed to a corporation, and became the Paxton & Gallagher Co., of which Mr. Pickens was made secretary, treasurer, and general manager, a position he has since held. His success in life has been due to hard and faithful work and attention to the interests of his employers, and ability to master every detail of the business. His connection with this company for nearly a quarter of a century brought him in close touch with the various business interests of Omaha, and his excellent business judgment and public spirit have always been in demand in the public affairs and enterprises of the city. He was one of the first members of the commercial club, and has served as a member and as chairman of its executive committee, and in Jan., 1901, was elected president of the club. He is a member of the Omaha club, a Mason of the Knights Templar degree, and prominent in other fraternal societies. In politics he has been independent, always giving his vote for the candidates who in his judgment were best qualified. He has always been one of the busiest of men, but never too busy to be social and courteous. Mr. Pickens was married Oct. 3, 1888, to Margaret E., daughter of Mr. and Mrs. A. J. Doyle of Omaha, and has one child, a daughter, who bears the name of his wife—Margaret Elizabeth.

POUND, STEPHEN B., pioneer lawyer and jurist of Lincoln, Lancaster county, Neb., was born in Farmington, Ontario county, N.Y., Jan. 14, 1833, and is a son of Nathan King Pound and Hannah G. (Lane) Pound. The Pound family are descended from one John Pound who emigrated from England and settled in America in 1675, the line of descent being through his son John, Jr., Elijah, Samuel, and Hugh to Nathaniel King Pound. One of Stephen B. Pound's ancestors, Richard Hartshorne, was appointed by William Penn and his associates as one of the commissioners to lay out West Jersey. In 1684 he was one of Governor Laurie's council; in 1685 he was elected to represent Middletown in the Assembly, and was chosen speaker of that body in 1686, and the same year was appointed a member of the council. He retained his seat in the Assembly, and continued to hold both positions until the surrender of the proprietary government to the crown in 1702. Another ancestor, Joseph Moore, "was commissioned by George Washington in 1793 to accompany General Benjamin Lincoln and Col. Timothy Pickering and Beverly Randolph to treat with the Indians at Sandusky." Stephen B. Pound received his early education in the public schools and at Walworth and Macedon academies. He was graduated from Union college at Schenectady, N. Y., in 1859, and was admitted to the bar in 1863. The following year he entered into a partnership with Judge Lyman Sherwood of Lyons, N. Y., continuing in this firm until the death of Judge Sherwood in 1866. In the autumn of that year, Mr. Pound visited the West, for a few months residing at Platteville, Wis., then taking up his residence in Lancaster, now the city of Lincoln, Neb., and there engaged in the mercantile business, which he continued for about a year. Mercantile pursuits were not to his liking, and he returned to his profession. He associated himself with Seth Robinson, with whom he continued in partnership until 1869, when Mr. Pound was elected judge of the probate court. Upon the expiration of his term as probate judge, he formed a partnership with C. C. Burr, which was continued for three years, when Judge Pound was elected to the district judgeship. In 1872 he was elected to the state senate, and was a member of the constitutional convention of 1875. He is the author of that provision of the constitution of 1875, sec. 21, art. 1, which provides that the property of no person shall be damaged for public use without just compensation. In the fall of 1875 he was again elected district judge of the 2d judicial district, composed of the counties of Lancaster, Cass, Otoe, and Nemaha, filling the office for three successive terms. He retired from the district bench and again associated himself with Mr. Burr. This partnership continued for a number of years. Later he took into

partnership his son, Roscoe Pound, and the firm became known as Pound & Pound. Judge Pound was married Jan. 21, 1869, at Macedon, N. Y., to Laura Biddlecombe. Three children were born to them: Roscoe, A.B., A.M., Ph.D., ex-supreme court commissioner and now dean of the law school, University of Nebraska; Louise, B.L., A.M., University of Nebraska, Ph.D., University of Heidelberg, adjunct professor of English literature, University of Nebraska; and Olivia, A.B., A.M., University of Nebraska, teacher of Latin and history in the Lincoln high school.

Judge Pound was the first president of the Lancaster Bar association, and as an attorney has acquired a wide reputation. He has taken a large interest in the progress of Lincoln, has always been loyal and devoted to its best interests, and has witnessed with pride and satisfaction its growth from its infancy to the present time.

POUND, LAURA BIDDLECOMBE, wife of Stephen B. Pound, Lincoln, Neb., was born in Phelps, N. Y., May 15, 1841. She is a daughter of Joab Stafford Biddlecombe and his wife Olivia Mathewson, who were of colonial stock, the families both having come to America from England in 1630 with the Boston colonies. Sarah Read, the mother of Joab Biddlecombe, was a descendant of Col. Thomas Read, of Salem, and Laurence and Cassandra Southwick, the Quaker martyrs. Mrs. Biddlecombe's ancestors upon her mother's side, originally from the Boston colony, followed Roger Williams to Providence, R. I., where they established a settlement. The names of Thomas Angell, the Rev. Chad Brown, John Field, and Thomas Harris, ancestors of Mrs. Pound, all appear upon the first agreement for the government of the city of Providence made in 1636, said to be the first declaration for religious toleration ever made in the world. Mrs. Pound was educated in the public schools and later attended the Macedon (N. Y.) academy, and the Lombard university in Galesburg, Ill. She was married Jan. 21, 1869, to Stephen B. Pound, and in February removed to Lincoln, Neb., where Mr. Pound had resided for two years. For ten years, from 1880 to 1890, she was a member of the board of directors of the Lincoln public library. She was a member of the Ingleside literary club, and retained her membership as long as the club existed. This was the first literary club in Lincoln to have a constitution and keep a record of its proceedings. She was a charter member of the Haydon art club, afterwards merged into the Nebraska Art association, and of the City Improvement society; also a charter member of the Women's club, in which she served for a time as leader of the science department. Mrs. Pound is a prominent member of the Society of the Daughters of the American Revolution in Nebraska, and has four times been elected state regent, in 1896, 1897, 1901, 1902. She is a charter member of the local chapter, in which she has held the offices of historian and registrar. She is also a member of the Nebraska State Historical Society.

REMINGTON, WILLIAM, pioneer, of Saline county, was born in Tennessee, May 15, 1815, and died May 31, 1883, at his old home in Saline county, Neb. He was the son of Joseph and Mary (Johnston) Remington, who were natives of Tennessee, and whose ancestors for generations had been farmers. Mr. Remington acquired his education entirely in the common schools of those early days. When he was quite young his parents moved to Indiana, but in 1839 they settled on the extreme frontier, in Benton county, Ia. In 1843 Mr. Remington went to Wisconsin, where he remained three years and then returned to Iowa. In 1860 he moved to Nebraska and located a claim in sec. 16, twp. 5, r. 4, E., in Saline county. As soon as the homestead law was passed, he preempted land in sec. 15 of the same township, and here he built the first log house in that vicinity. In 1861 his family joined him, and this was the first permanent settlement on Swan creek. The first year of his residence there Mr. Remington broke twenty acres of the prairie land, and planted corn, potatoes, pumpkins, etc., but owing to the drouth did not raise anything that year. In those days there was game in plenty; elk, deer, antelope, and wolves appeared frequently in great numbers, and Indians from the Otoe, Pawnee, and Omaha tribes came often to the new settlement, but their visits were always of a friendly nature. The Indians were pushed farther and farther away, game gradually disappeared with the advent of the white settler, and before many years Mr. Remington saw the vicinity develop into a prosperous community. In politics Mr. Remington was a democrat and was an active worker in the party. He was the first sheriff of Saline county, and for many years was either director or treasurer of the school board in his district. He was married Apr. 26, 1842, to Elizabeth Wood, daughter of David Wood of Shelby county, Ky. To this union were born ten children: David,

Jane, Joseph, William H., Mary A., John, Sarah M., Laura, Nicholas K., and Clara B. Three sons and one daughter are dead, and Mrs. Remington died in the fall of 1903. She would have been eighty-two years old had she lived until Feb., 1904.

RENARD, ALPHONS FRED, was born in Cologne, Feb. 5, 1819. He is a son of Andrew Renard, a professor in the schools of Cologne, and Maria Elisabetha (Pauli) Renard. His maternal grandfather was S. Pauli who was one of the general postmasters for the reigning Duke of Cologne. He played an important part in the French Revolution as a royalist, was imprisoned in the Bastile at Paris, and was confined there at the time Robespierre was executed. After narrowly escaping the guillotine, he was liberated and returned to Cologne, where he passed the remainder of his days. Alphons Fred Renard was educated in the schools of Cologne, and by his father, who was noted as a scholar. After leaving school, for three years he was an apprentice in the mercantile business in his native city, and received his diploma as a clerk in international commerce. He then left home and went to Algiers, and in 1839 was taken prisoner after a massacre by the forces of the famous Abd-el-Kader, who led the Arabs in the great war to drive the French from their country. He had many narrow escapes from death, and saw many of his companions butchered, but saved himself by swearing to the religion of Mohammed when taken prisoner. He passed through a terrible campaign, but finally escaped by being exchanged at Camp Figue near Oran. After leaving Africa, he returned to Cologne. In 1847 he came to the United States and settled on a farm in Wisconsin, where he remained until 1854. Then he went to California, attracted by the great stories of gold there, and after remaining for three years, he returned to Wisconsin, sold his farm, and then, in 1858, settled in Nebraska, buying a tract of land in Washington county. He followed farming successfully for a number of years, then built a flouring mill near Oakland, in Burt county, Neb., which he has since operated, still giving it his personal attention. Later he engaged in the banking business at Oakland, in company with Mr. A. E. Wells. After the partnership existed a few years, he sold out his interests to his partner. Mr. Renard has always been one of the most enterprising citizens of Burt county, and has taken a lively interest in all projects intended to benefit the community at large. He has been a democrat since 1848, but has never held more than minor offices in his township and school district. He belongs to no club or society, but is a member of the Catholic church. He was married in 1848 to Miss Anna Wolf of Wisconsin, and has eight children, namely: Andrew; Edward; Nettie, now Mrs. Joseph Jungbluth; Anna, single; Elizabeth, now Mrs. Cook; Billa, now Mrs. Raymond; Fred; and Gust Renard. Mr. Renard, though in his eighty-sixth year, is still active and gives his personal attention to his business affairs. His life has been an eventful one, and in his young days he was an indefatigable traveler and hunter.

ROBINSON, WILLIAM, deceased, Nebraska pioneer, and for many years prominent in the real estate anl loan business in Sarpy county, was born in Morris county, N. J., May 16, 1828. His father, Edward Robinson, was born at Leeds, Eng., and came to America about the year 1820, and became a cloth manufacturer in New Jersey. His factory was closed during the general crash of 1838, and the elder Robinson took up his residence in Newark, N. J., where he lived until the time of his death in 1860. The mother of William Robinson, whose maiden name was Jane Harriet Tillou, was descended from a Huguenot family of Tillous who fled from the persecutions in France in 1685 or 1686, and after living awhile in Holland, three brothers came to America, one settling in New Orleans, another in Montreal, Can., and a third in New York. Jane Harriet Tillou was a direct descendant of the latter, and was born Jan. 23, 1786, and died Nov. 26, 1870. In 1845, William Robinson went to New York city, learned the mason's trade, and after serving his apprenticeship, followed contracting and building for ten years before removing to Nebraska, and settling at Bellevue in May, 1857. In 1863 he engaged in the real estate and loan business at Bellevue, which he continuously followed with success until his death. He moved from Bellevue to Papillion, Jan. 1, 1876. During forty years of active business life, in which time Mr. Robinson invested money for eastern capitalists, frequently carrying as much as half a million dollars in investments at a time, he never lost a dollar of his clients' money, and never made an enemy or incurred the ill-will of any of his patrons by attempting to force collections, although he frequently was obliged to draw upon his own private resources for the payment of interest or instalments upon loans. This is a proud record when one considers the perilous periods of financial depression and

crop failures which Nebraska, in common with her sister states, has suffered. In politics, Mr. Robinson was always a republican, casting his first presidential vote for John C. Frémont in 1856, and was active in the work of the party during all of his life. He filled the offices of county clerk, county commissioner, and was county treasurer of Sarpy county from 1871 to 1875 inclusive. By his prompt and careful attention to all public duties he won the highest regard and confidence of the taxpayers regardless of political affiliation. He was a Mason, having been made in Nebraska Lodge No. 1 at Bellevue of which he became a past master. He was also a member of Mount Calvary Commandery No. 1, Knights Templars of Omaha and a Nebraska veteran Free Mason. Mr. Robinson was twice married, first to Miss Elizabeth McCoy, Dec. 24, 1849. To them four children were born: William, who married Miss Julia Litchfield, July 10, 1889, and now resides in Lancaster county, Neb. They have three children: Edwin Berdine, born Feb. 5, 1891; Grace Pearle, born Oct. 12, 1893; and Alice May, born Mar. 13, 1900. Elizabeth, the second child and only daughter of William Robinson, married Homer Smith Feb. 13, 1873, and died Mar. 4, 1880, leaving one child, Nellie Dunham Smith, who was born June 26, 1877, and who, after her mother's death, resided with her grandfather, Mr. Robinson. She is now married to Charles B. Tower, and has one child, William R. Of the two younger sons of Mr. Robinson, James is now a resident of Papillion, and Ferdinand died Oct. 25, 1890. Mr. Robinson was again married, May 1, 1880, to Mrs. Elizabeth Greenhouse of Sarpy county, Neb., who died Oct. 16, 1902. Mr. Robinson for years held a high place in the esteem of the citizens of Sarpy county and was recognized as one of the progressive and public-spirited citizens of the county. He died Aug. 24, 1905.

ROGERS, MANLY, banker and financier, was born in Mount Morris, N. Y., Aug. 2, 1833, and died at Fremont, Neb., Dec. 25, 1891. He was a son of James H. and Mary (Parker) Rogers, the former a merchant in his native state for a number of years, and later a business man of Rockford, Ill., to which place with his family he removed about 1848. Manly Rogers received his early education in the schools at his birthplace, and after the removal of his parents to Illinois, attended the schools at Rockford until he was eighteen. He then took charge of his father's store at Warren, Ill., which he managed until 1863, when he disposed of it and started the Warren National bank. He was made president and remained such until 1879, when he sold out his interests in the concern, as well as his stock and interests in banks at Sterling and Leonore, Ill., and located at Fremont, Neb. There he engaged in the banking business and was chosen to the presidency of the First National bank, a position which he held until the spring of 1891, when failing health compelled him to retire. Besides his interests in the First National bank, he was the chief stockholder in, and the president of the Rogers & Atwood Loan and Trust Co. of Fremont. He became recognized as one of the ablest financiers of Nebraska, and during many trying periods greatly assisted many private and corporate interests to weather the storm and land at a safe harbor. He was a public-spirited man, yet one of the most conservative, and always looked upon as one whose advice was safe to follow in affairs of semipublic as well as in business matters of a more personal character. He was a republican from the time he cast his first vote, though he steadfastly refused to become active as a politician, even to refuse the nomination for the office of mayor of his home city. He was a member of the Odd Fellows and the United Workmen. Since he was twenty-eight years of age he was an elder in the Presbyterian church, but was broad-minded in his religious belief and practice, and liberally supported all Christian churches, giving freely whenever called upon. Not alone was his liberality confined to the churches; but to all charitable undertakings he gave freely, and he delighted in assisting the needy ones who applied to him for help. He was married Jan. 18, 1859, to Marrah Abbey, daughter of William and Sarah E. (Wallace) Abbey of Warren, Ill. This happy union was blessed with four children, all of whom are living, namely, James Hervey, William Eugene, Jennie Aurand, and L. Harry Rogers.

ROLFE, ROLLIN M., pioneer wholesale merchant and banker, Nebraska City, Neb., was born near Bath, Steuben county, N. Y., Oct. 12, 1830, and is a son of Joseph and Eliza (Reed) Rolfe. He is descended from illustrious ancestors who figured conspicuously in English and French history, it having been Count Rolfe, the father of William the Conqueror, to whom Normandy was ceded by Charles the Simple, King of France. Simon Rolfe was a resident of England in 1660, and had the power to issue coins, one of which is now in the possession of R. M Rolfe From

genealogical records, in the family it is known that John Rolfe, with his wife and two sons, John and Thomas, set sail from London in Apr., 1638, in the ship Confidence, and on arriving in America settled in Massachusetts; other records show that Rolfes of the same family came to this country and settled in Salisbury and Haverhill, Mass., and Concord, N. H. One branch of the family later settled in Virginia where Moses Rolfe, the grandfather of R. M. Rolfe, was born. Joseph Rolfe was born in Monmouth county, N. J., May 5, 1800, but when five years of age his parents moved to New York, where he was educated and became a prominent lumber merchant. He died in Jan., 1878. His wife, Eliza Reed, born in Dutchess county, N. Y., was a lineal descendant of Gilbert Reed, who was connected with the commissary department at Valley Forge during the Revolutionary war, and who advanced $100,000 from his private funds for which he was paid in continental script. Rollin M. Rolfe acquired his education in the common schools of his native town. At the age of fifteen he became a clerk in a general store at Monterey, Steuben county, N. Y., receiving $4 a month and his board. He remained there five years, his salary increasing each year. In 1850 he went to Elmira, N. Y., where he secured a similar position, then went to Geneva as a clerk in a dry goods store. Subsequently he returned to his native town and worked as a clerk five years, but hoping to better his financial conditions he moved to Keokuk, Ia. After a year's residence there he went to Memphis, Tenn., and rented a flouring mill which he operated six months, after which he moved to St. Louis, and engaged in the auction and commission business. On Oct. 15, 1860, he settled in Nebraska City, Neb., where he established himself in the grocery business, being the first wholesale jobber of groceries in Nebraska south of the Platte river. As there were no railways west of the Missouri river at that time, all transportation had to be done with teams, making freight rates very high, the average rate per pound to Salt Lake City being twenty-five cents. Mr. Rolfe engaged in the freighting business and was a potent factor in opening up the undeveloped country. He was instrumental in the building of the wagon road to Ft. Kearney, and was afterwards one of the original incorporators and first secretary of the Mid. Pac. Ry. Co. He was engaged in the grocery business until 1884, but was also interested in other branches of industry. For some years he was interested in the banking business with James Sweet and others, under the firm name of James Sweet & Co. In 1879 he built a handsome residence on the outskirts of the city, where he resided until 1886, then, on account of his wife's health he disposed of it and purchased a residence within the city limits. He was married June 28, 1859, to Harriet Emmons of Springville, Erie county, N. Y., a daughter of Hon. Carlos and Harriet (Eaton) Emmons. Three children have been born to them: Emmons, Charles, and Henry Rolfe.

RORK, PETER L., pioneer, Tekamah, Neb., was born June 18, 1840, in Chautauqua county, N. Y., and is a son of David and Polly (Doty) Rork, the former a farmer in moderate circumstances and a native of New York. The latter, also born in New York, was a lineal descendant of Edward Doty, who came over in the Mayflower in 1820 and settled in Plymouth, Mass. Pether L. Rork acquired a common school education and removed to Nebraska, settling in Arizona precinct, Burt county, June 18, 1865. Here he engaged in farming. This he continued until 1893, and then moved to Tekamah, where he has since continued to live. In 1883 he was elected county commissioner of Burt county, and is now serving his sixth term as commissioner and supervisor. In 1899 was appointed postmaster of Tekamah. In May, 1861, he enlisted in Co. C., 11th Mich. Cav., and served until the close of the war. Mr. Rork cast his first vote for Stephen A. Douglas, and his next for Abraham Lincoln, having changed his politics, "as a war measure." In 1880 he voted for James A. Garfield and has ever since voted the republican ticket and been an ardent supporter of the party. He is a member of the G. A. R., the I. O. O. F., and the Presbyterian church. He was married Aug. 1, 1858, at Carlton, Mich., to Matilda Rogers, whose father was a pioneer of Barry county, Mich. Seven children were born to Mr. and Mrs. Rork, only two of whom are now living: Ella, wife of John Fisher, Tekamah, and Anna, wife of C. R. Bunberry, Arizona, Neb.

ROSEWATER, ANDREW, C.E., pioneer of Omaha, Neb., was born Oct. 31, 1848, and attended the public schools of Cleveland, O., until 1864. His first teacher in primary school was Lucy Spellman, now the wife of John D. Rockefeller. He was admitted to the high school of Cleveland at the age of twelve years, and after entering upon the last semester of the junior class he left school and started for Omaha, Neb., where he arrived after traveling 150 miles by stage from St. Joseph, Mo.

Although only fifteen years of age, after much importuning, he was assigned by chief

engineer, Peter A. Dey, to a position as flagman in the U. P. engineer corps, under James A. Evans. This corps consisted of fourteen men in all, who with two teams crossed the plains, reaching Cheyenne Pass at the end of four weeks. From this point to Green River in Utah surveys and explorations were conducted with a view to determining upon preliminary general lines for the U. P. R. R. The party was exposed to extreme hardships, and owing to the Indian war was furnished a government escort of twenty soldiers. During this period Mr. Rosewater studied surveying and engineering works, and in the spring of 1865 he was entrusted with the laying-out of earthwork for the construction of the road in the vicinity of Omaha. In the spring of 1866 he received orders from Samuel B. Reed, the general superintendent, to take charge of the shipment of the Loup Fork bridge. Within thirty-six hours after receiving the order Mr. Rosewater had scoured the country for ox and horse teams, and had all the material on hand loaded and on the way. Shortly after, though only eighteen years of age, he was assigned to Omaha as inspector of ties and bridge materials, holding that position until the spring of 1867, when by his request he was given a position in the special corps, under Percy T. Brown, to determine and locate the railway crossing over the main divide of the Rocky mountains. In order to accomplish this quickly, the party left North Platte, the then terminal, in Mar., 1867. Owing to a heavy storm, they had to travel 300 miles through snow over a foot in depth, with the temperature at times 20° below zero. Upon reaching the Black Hills the snow was so deep that a delay was necessary. To economize time a town was laid out and called Cheyenne. This is the present capital of Wyoming. Immediately after crossing the Black Hills the party was attacked by Indians and several were killed. The chief then sent back all those who were desirous of returning, owing to the dangers ahead. Mr. Rosewater was among those who continued. About two months later the chief of the party, Percy T. Brown, was killed by the Indians, and after some delay General Dodge, with a large military escort, brought a new chief, and the surveys were completed late in the fall. The party was then disbanded, only three, one of whom was Mr. Rosewater, being retained to make up the maps, profiles, and estimates.

ANDREW ROSEWATER

In the following spring Mr. Rosewater returned to Omaha and accepted the position as assistant city engineer, and in 1868 published a large detail map of Douglas county, and shortly after was appointed county surveyor, though as yet not of age. In 1870 Mr. Rosewater became city engineer of Omaha. In 1871 he engaged in the real estate business in connection with his engineering work. Shortly after he was induced to buy the title abstract and general business of the Central Land Co., then owned by Andrew J. Poppleton and Jas. M. Woolworth. This resulted in serious financial loss, as the abstract books were found to be unreliable to such an extent that Mr. Rosewater would not issue any certificates based upon them, and after one year of hard work in attempting to bring the books to date and correct the numerous errors, he sold back the records at a great loss. In 1872 Mr. Rosewater was elected to the offices of city engineer and county surveyor, the first of which he held until 1875. Though reelected county surveyor, he resigned the office, preferring private practice. Mr. Rosewater, in addition to the city and county work, directed surveys of a railway through

Sarpy, Saunders, and Butler counties from Omaha to Lincoln and also from Lincoln to Columbus. He was also appointed state engineer to locate a state road from Omaha to Lincoln. For periods of from six months to one year at a time, between 1875 and 1877, Mr. Rosewater was engaged in journalistic work as editor and manager of the Omaha *Bee*. In 1878, for a period of six months, he temporarily held the position of deputy collector and inspector of customs. In 1879 he was engaged in engineering work upon what is now known as the C., St. P., M. & O. R. R., having charge of the construction of the road from Tekamah to Oakland, Neb. In 1880 the Omaha Waterworks Co. employed Mr. Rosewater as resident engineer in charge of construction. In 1881 he was appointed city engineer of Omaha by Mayor James E. Boyd. In 1883 he was elected a member of the American Society of Engineers, and in 1887, after devising plans and supervising work for the city, aggregating in cost over $7,000,000, he resigned and engaged in private practice as consulting and designing engineer. He associated himself with George B. Christie and Jesse Lowe under the firm name of Rosewater, Christie & Lowe, from 1887 to 1890. Afterwards he bought the interests of his associates and conducted the business alone. His practice was very extensive, covering the designing and advising on construction of systems of sewerage, grades, waterworks, etc., over a large area of the United States. In 1890 he was engaged jointly with Mr. Rudolph Hering of New York to report upon the sewerage, waterworks, and pavements of Duluth, Minn., and in connection with the report Mr. Rosewater devised the first general formula in engineering literature governing the planning of grades of intersecting streets for every class of inclinations. This has been extensively quoted in standard engineering works. In 1891 Mr. Rosewater was selected by President Harrison as one of three engineers upon the electrical commission of the District of Columbia and was elected president of the board. As president he prepared the general outlines of the report, embodying plans of the electrical subways of Washington and also recommendations touching the control of utilities upon streets. In this report he took the advanced position favoring public ownership and control, maintaining that over 75 per cent of the corruption developed in municipal governments was traceable to the franchised corporations, and that therefore, by removing the cause, the greater part of the disease would be eradicated. This and other portions of his report were considered too radical by his colleagues, and he was compelled to omit it from the final draft, although the general deductions were approved. This was the first official national report upon the subject of municipal ownership, and its publication was exhausted by the extraordinary demand for copies. In 1892 Mr. Rosewater, while absent at Chicago, was appointed and confirmed as city engineer of Omaha, and with the assurance that it would not interfere with his professional practice he accepted the position, and with the exception of 1896 has held it continuously. Under the law of 1897 he has been ex-officio chairman of the board of public works for over seven years, during which time he has made earnest efforts to systematize the public service, and has encountered the bitter and organized opposition of politicians, contractors, and franchised corporations. Mr. Rosewater has been identified with nearly all the efforts to develop water power from the Platte and Elkhorn rivers, but has met with defeat, mainly because success in such development meant possible opposition to the interests of the water and electric light and power companies now holding exclusive control of water light and power supply to Omaha and South Omaha. Mr. Rosewater was married in 1883 to Miss Frances Meinrath of Boston, Mass. They have one son, Stanley M., who was born in 1885, who at present is in his second year in the University of Michigan, at Ann Arbor.

ROSEWATER, EDWARD, journalist, publicist, and founder, owner, and editor of the Omaha *Bee* and the *Twentieth Century Farmer*, was born in the village of Bukowan, Bohemia, Jan. 28, 1841. Mr. Rosewater was educated in the Bohemian language in the common and high schools of Prague until he was thirteen. He learned German from private tutors. On Christmas Day, 1854, the Rosewater family, consisting of father, mother, and nine children, landed in New York city and thence went to Cleveland, O., where they settled. At the age of fifteen years Edward Rosewater found his first employment in a wholesale stove and tinware store in Cleveland. In 1856 he had gained enough knowledge of the English language to enable him to secure a place in a retail grocery store at $7 a month and board. In another year he obtained a position as clerk in a small dry goods store at $100 a year and board. In the summer of 1857 he entered a business college where he took a three-months course in bookkeeping and secured a position in this line. After following this work for a short time

Mr. Rosewater learned telegraphy and pursued the vocation of telegraph operator for thirteen years.

At the outbreak of the Civil war he was stationed at Stevenson, Ala. After Alabama had seceded he accepted a position in the main office of the Southwestern Telegraph Co. at Nashville, Tenn., where he remained until the city was captured by the Union army. In Apr., 1862, he entered the U. S. military tele-

EDWARD ROSEWATER

graph corps at Wheeling, W. Va., and was immediately assigned to accompany Gen. John C. Frémont in his West Virginia campaign. July 4, 1862, Mr. Rosewater reported at Washington, and there he was assigned to the navy yard, Commodore Dahlgren, commandant. When General Pope was about to enter upon his "on to Richmond" campaign, Mr. Rosewater was, by the war department, attached to General Pope's staff for service in the field, and was on duty with the army in Virginia in its march to the Rapidan, its retreat across the Rappahannock, and in the second battle of Bull Run. During the three last days of Aug., 1862, he transmitted all the dispatches of General Pope from the field. After the battle of Bull Run, Mr. Rosewater was recalled to Washington, and assigned to the war department telegraph office, where he remained until Sept., 1863.

A few months previous the Pacific Telegraph Co.'s line across the continent had just been completed, and Mr. Rosewater resigned his position at Washington to accept one with this company in Omaha. In six months he was manager of the Omaha office, which place he filled until Jan., 1870. At this time he resigned to become manager of the Atlantic and Pacific and Great Western telegraph lines.

As manager for the Pacific Telegraph Co. he was initiated into the methods of news-gathering, by being made the agent of the Associated Press and serving St. Louis and eastern cities with telegraphic news. He established a news bureau which covered the important news from the Rocky mountain country. In the spring of 1870 he founded the Omaha Daily *Tribune*, the first number of which was issued July 25, 1870. A New England man of wide reputation as a writer was engaged as editor, but failed to put in an appearance at the appointed time. In the meantime Mr. Rosewater filled the editor's chair, and the editorials were so crisp and to the point that the gifted New Englander, who was supposed to occupy the editor's chair, became popular at once. In a short time Mr. Rosewater retired from the paper. He still retained his position with the telegraph company. In Nov., 1870, Mr. Rosewater was elected to the Nebraska state legislature, and served in the ensuing session, noted as one of the longest and most exciting sessions ever held in the state. Mr. Rosewater initiated a movement for the impeachment proceedings against Gov. David Butler, and the investigation into the conduct of state institutions. Among the measures that he succeeded in having passed were the indorsement of the postal telegraph system, an act regulating the practice of medicine, the creation of the board of education for Omaha, and the location of the institution of the deaf and dumb at Omaha, and an appropriation for a building for the same. The act creating the board of education required its submission to the citizens of Omaha. The press had worked strenuously to create adverse public opinion to the measure. To counteract this influence against the bill Mr.

Rosewater started a small paper, not much larger than a full-page theater program, and called it the Omaha Daily *Bee*. It was first issued on June 19, 1871. It was filled with late and fresh telegraphic news, boiled down, brief local notes, and pointed editorials, chiefly relating to city and state affairs of a political nature. This paper was distributed free for the first few weeks of its existence, and its influence was of sufficient weight to carry the educational law proposition by a large majority. Mr. Rosewater enlarged this paper, fixed the subscription price at 12½ cents per week, and issued it as an afternoon daily. The paper thrived, it became one of the best-known papers in the West, and in five years surpassed the oldest established papers of the city, and became recognized as one of the great papers of the United States.

With the growth and increasing influence of the *Bee,* Mr. Rosewater gained in popularity until he reached international prominence. For years he has been recognized as one of the influential political leaders of the West. His strong antagonism to corporate monopolies has continually made his way to political success a bitter fight. At various times he has been prominently mentioned for the United States Senate, and in the heated campaign of 1901, in the face of the most bitter opposition, he was a strong and unyielding candidate, withdrawing only when the harmony and solidity of his party demanded that all the candidates in the contest should withdraw. In the political field he has always been courageous and outspoken; opposed to charlatanism, fraud, and corruption, and an advocate of republican doctrine. He has labored assiduously for the welfare of Omaha and Nebraska. His paper has been a great power in the upbuilding and progress of the metropolis of the state, and a political factor in the development of the whole West.

In 1887 Mr. Rosewater commenced the erection of the Bee building, the first absolutely fireproof and monumental office building in the city of Omaha, one of the finest newspaper buildings in the United States, and covering a greater area of ground than any other newspaper building in the world. Mr. Rosewater was the original promoter of the Trans-Mississippi Exposition, held at Omaha in 1898, and was a member of its executive committee, in charge of the department of publicity and promotion. He was a member of the Republican national committee in 1892, a member of the advisory board, national Republican committee in 1896 and 1900. Mr. Rosewater was married, Nov. 13, 1864, to Miss Leah Colman, of Cleveland, O., and has a family consisting of two sons and three daughters: Stella, born 1864; Nellie, born 1867, now deceased; Victor, born 1871; Charles, born 1874; and Blanche, born 1881. His son Victor is associated with his father in the editorial management of the *Bee,* and is recognized as one of the ablest among the younger newspaper men of America, while his son Charles is business manager of the *Bee.*

RUSTIN, CHARLES BRADLEY, pioneer of Nebraska, was born at Wallingford, Vt., Mar. 29, 1836, and was the son of James and Sally Lola (Dickerman) Rustin. His father was a hatter by trade and died in 1848 at Wallingford. His mother was a daughter of Simeon Dickerman and was born at Mt. Holly, Vt., Dec. 3, 1801. She was a woman of remarkable strength of character, a descendant of good old Puritan stock. She died in 1890, at Omaha, where for many years she had made her home with her son. C. B. Rustin received his early education in the village schools of his native county and afterwards attended Ludlow academy, graduating from there at the age of sixteen. In the same year he emigrated to Akron, O., and followed his profession of civil engineer for a period of two years, surveying the first railroad that went into Akron. He then moved to Iowa, stopping first at Denmark, but in 1856 he settled in Sioux City. He was instrumental in surveying and laying out the present site of Sioux City. Here he engaged in the real estate business and became a heavy owner of property. From 1857 to the outbreak of the Civil war that section of Iowa was a center of Indian raids. In 1860, at the beginning of the Civil war, the Indians, audacious with the success of massacres in Minnesota, swung murderous bands down on the northern border of Iowa. The settlers from the country poured into Sioux City for protection. All was confusion, distress, and fear. The citizens met *en masse* to devise means for relief. A regiment of soldiers was at Council Bluffs awaiting orders to go south. The Governor of Iowa must be reached to change the order from the south to needy Sioux City on the north. There was no telegraph station then nearer than Council Bluffs, 110 miles south of Sioux City. The only means of getting word to Governor Kirkwood in time was that some one should take the fleetest horse, mount, and make the dash through the unsettled region, without stop or stay, till the message could be sent. Mr. Rustin, being a good horseman and having great powers of endurance,

volunteered to make the attempt to reach the Governor's ear and to secure the aid of the regiment. He was successful, and just in time; for already that morning were the soldiers being placed in marching order; only the command now was to the north. The troops made a forced march, arriving just in time to save the city from destruction. Mr. Rustin made the trip from Sioux City to the Bluffs and return by exchanging horses at relay stations, riding at the rate of twelve miles an hour. He returned without stopping for rest during the entire distance. He was appointed adjutant of the "state regiment" of Iowa under charge of Col. J. A. Sawyer, and there earned his title of captain. While in Iowa, Captain Rustin helped to establish the mail line from Sioux City to Ft. Randall, and with Capt. W. W. Marsh of Omaha took the first government contract ever made for the transfer of government matter between these two points. In 1864 Captain Rustin moved to Omaha. He was first interested in the steam ferry plying between Omaha and Council Bluffs, but severing his connection with this enterprise, he was appointed general agent on the Nebraska side of the river for the Northwestern, Rock Island, and Burlington railroads. Later he was connected with the Omaha Smelting Co., and was its president until 1878. He was also at the head of the La Plata Mining and Milling Co., at Leadville, some time later. Captain Rustin was heavily interested in mines in California, Colorado, Idaho, Utah, and Old Mexico, and was generally conceded to be the best mining expert in the West. He was largely interested in the street railway company in Omaha as well as in the cable company, being one of the incorporators of the Cable Tramway Co. in 1888 and one of the first board of directors under the consolidation as the Omaha Street Railway Co. In 1900 Mr. Rustin took a trip of observation and investigation in the Alaska territory, stopping at Nome City. Here he was taken with a sudden cold, which terminated with pneumonia and resulted in his death, July 18, after a very brief illness. His remains were brought to Omaha for burial. Captain Rustin was active along political lines but labored for the advancement of the city rather than for personal political honors. He was elected state senator in 1875. Mr. Rustin was a Knight Templar and a Free Mason. Though a member of no church he regularly attended the First Congregational church of Omaha and was a firm believer in the Christian religion. Captain Rustin was married June 29, 1859, at Keosauqua, Ia., to Miss Mary Elizabeth, daughter of Daniel P. and Susan B. (Wood) Wilkins of West Union, O. To this union were born five children: Claire, James, Henry, Frederick, and Wilkins, all of whom were educated at eastern universities.

SAND, FRANK JOSEPH, a successful farmer of Otoe county, resides two miles from Nebraska City. He was born in Atchison county, Mo., Nov. 30, 1854, and is a son of Joseph and Mary Ann (Bach) Sand, natives of Bavaria and pioneers of Nebraska. He received his early education in the public schools of Otoe county, and when he was about twelve years of age he was taken by his father to Germany. Upon his return to America he assisted his father in the conduct of the farm, and a few years later, when the health of his father became so impaired that he could no longer give his attention to affairs, the care of all his interests devolved upon Frank Joseph, who in this way gained a thorough knowledge of farming in all its varied branches. Two years after the death of his father, which occurred June 5, 1882, Frank Joseph was married, the event taking place on May 6, 1884, to Miss Rosina Wirth, born in Atchison county, Mo., and a daughter of Anton and Walburga Wirth, natives of Bavaria. To this union have been born eleven children: Mary, John, Anna, Fridolin, Margarite, Rosa, and Joseph living; Hellena, Philomena, Beatrice, and Paul who died when less than three years old. Mr. Sand and his family are members of the Benedictine Catholic church, of which they are exemplary and practical adherents, carrying their religious principles into every-day affairs of life. Mr. Sand has always been a democrat, but has never been a seeker after office. He is progressive and public-spirited, a neighbor faithful and genial, and admired for his many benevolent and estimable traits of character. While yet a young man, just in the prime of life, he has been one of the successful ones of southeastern Nebraska.

SAND, JOSEPH, pioneer settler in Missouri and in Nebraska, was born in Bavaria, Mar. 9, 1811, died near Nebraska City, Neb., June 5, 1882. He was educated in his native country, and there learned the trade of blacksmithing. In 1838 he came to America and for some years worked at his trade in different states. He finally settled in Atchison county, Mo., about 1840, and was one of the first settlers there to carry on farming and blacksmithing. He built two log cabins, one for a shop and the other for a dwelling place. He lived

in Missouri until 1860, when he rented his place, removed to Nebraska, and purchased a quarter of sec. 22 in Four Mile precinct, Otoe county. A year later he bought 160 acres about two miles from Nebraska City, and there he lived the remainder of his life, and upon this land his son, Frank Joseph Sand, now resides. Mr. Sand was an enthusiast in the matter of horticulture and arboriculture, and planted a large vineyard, and set out orchards of pear, apple, and peach trees. He devoted much of his time to his orchard and vineyard, and improved his farm until it was one of the most beautiful spots in that section. He was successful in all his undertakings, and at the time of his death was comparatively wealthy. He was an exemplary citizen, a hard worker for the good of the community, and a man admired and highly esteemed by his neighbors. His wife in maidenhood was Mary Ann Bach, a native of Bavaria, and at her death, which occurred in 1862, left five children: Anthony, who died at the age of thirteen; Theresa, who became the wife of Emile Zimmerer, and died in her thirty-fourth year; Frank Joseph, a resident of Otoe county; Fridoline, who died in Germany, Jan. 26, 1892; and Philomenia, who is the wife of John Zimmerer of Seward, Neb. The family are all members of the Catholic church.

SCHINDLER, DIETRICH, Nebraska pioneer and successful farmer of Otoe county was born in the Canton of Glarus, Switzerland, July 10, 1843, and his birthplace was also that of his grandfather, Joachim Schindler, and his father, Jacob Schindler. The latter was a locksmith, and in 1857 set sail for America, accompanied by his three oldest children, his wife and two younger daughters remaining in Switzerland, where the latter might finish their education. They landed at New Orleans, and ascended the Mississippi and Missouri rivers by steamboat to what was then called Otoe City, now Minersville, in Otoe county, Neb. A suitable claim was found in sec. 22, Otoe county, and it is now the home of Dietrich Schindler, and is one of the finest and best equipped farms in the neighborhood, comprising 320 acres. When Jacob Schindler acquired his land, a rough log cabin was built on it and the family lived in frontier style for a number of years. In 1859 Mr. Schindler rented the farm, and went to Dallas county, Ark., where he was joined a year later by his wife and the two younger daughters, who had just arrived from the old country. There he engaged in farming, and prospered. He was a man of peaceful disposition, and during the war his attitude led southern sympathizers to believe that he was a Union man. He lived in a section overrun with guerrillas, and by them he was killed while on his way to Little Rock to see General Steele, who was stationed there. After his death, the outlaws stole his personal property and killed his stock. Soon after his death the family returned to the farm in Otoe county, and there the mother, Mrs. Jacob Schindler, resided until her death in Mar., 1883. Dietrich, who was the third child, assumed charge of the farm. He had attended the schools of his native country, until the family came to America, in his fourteenth year. During the Civil war he served in the Confederate army, into which he was forced at the end of a halter. Mr. Schindler says, "People living to-day have no conception of the conditions and feeling of suspicion that existed in the South against northern people who had removed there just prior to the war." His enforced service was as a member of Co. G, 21st Regt. Ark. Inf., and was in the Mississippi campaign. After a year's service he returned to his home on a furlough. Meantime communication with his company was cut off by the operations of General Grant around Vicksburg, and he was detailed to superintend the furnace of the sulphur works at Hot Springs, where he remained until the Federal army captured Little Rock. He then went into the Union camp at Little Rock, and became a supporter of the Union cause. For six months before his return to Nebraska he was in Cairo, Ill., where he worked at the baker's trade. Soon after returning to Otoe county he engaged in freighting over the plains as a teamster for Russell, Majors & Waddell. There were troublesome Indians along the Colorado-Nebraska line, and he was engaged by Colonel Shoop of the 3d. Col. Mil., and was placed in charge of transportation of the supplies required by the troops that were guarding the frontier. In this capacity he accompanied the expedition of Colonel Chivington, and was encamped three miles distant at the time of the battle of Sand Creek, or "Chivington Massacre." According to Mr. Schindler there were no braves in the Indian camp at the time the attack was made by Chivington, the warriors having departed upon another mission, leaving the camp in charge of the old men, squaws, and children. The attack was made without warning, and orders given to take no prisoners, and to kill men, women, and children indiscriminately. The squaws made a desperate resistance, but to no purpose, and only a very few escaped. When

his term of service ended he returned to the farm, where he has since remained. He has taken a deep interest in the educational affairs of his precinct, and by his efforts has greatly improved the schools. For eight years he was road supervisor, and in 1884 was a candidate for member of the state legislature, but had to abandon the canvass on account of the failing health of his wife. He has always been a republican, and has taken an active interest in the local work of his party. Mr. Schindler has been twice married. His first wife was Mary Ann Tschanz, a native of Berne, Switzerland, and they were married Nov. 25, 1867. She died Feb. 29, 1888, leaving nine children: Rosa, Edward, Jacob, Lewis, Henry H., Albert H., Clarence, Emily, and Madeline. The present Mrs. Schindler was Miss Lizzie Wissler, daughter of Jacob and Eliza (Rufenacht) Wissler, from the canton of Berne, Switzerland, but later a resident of Humboldt, Neb.

SCHMINKE, PAUL, was born in Hesse-Cassel, Ger., Aug. 16, 1835, and died at Nebraska City, Neb., Dec. 26, 1892. He was a son of Peter and Anna Dorethy (Doell) Schminke, who came to America from Germany in 1852, settled in Luzerne county, Pa., where they resided for a year, and then removed to Washington county, O., where they lived until 1865, when they became residents of Nebraska City, Neb. Paul Schminke had his early schooling in his native country, his educational advantages not being great, owing to the necessity of his beginning to work at an early age to assist in the support of the family. His first work in America was done in the coal mines of Pennsylvania, for sixty-five cents a day. When he went to Ohio he learned the plasterer's trade, which he followed after removing to Nebraska City. Having accumulated considerable money in this trade through industry and economical habits, in 1875, with his father and brothers, he built the Star flouring mills at Nebraska City, and took personal charge of the business, which was successful from the beginning. He afterward established elevators at Union and Burr, and became an extensive buyer and shipper of cereals. He was public-spirited, and in many ways assisted in furthering the business interests of Nebraska City. In 1872 he was elected a member of the board of aldermen from the 3d ward; a year later he was elected to the state legislature from Otoe county, and was reelected in 1876; and in 1886 he was elected to the state senate. During his first term in the legislature he was appointed one of the commissioners to build the state institute for the blind, and mainly through his efforts, with the cooperation of J. Sterling Morton and other prominent men of Otoe county, the institution was located at Nebraska City. From 1872 to 1884 Mr. Schminke was the leader of the Republican party in Otoe county, and he successfully conducted C. H. Van Wyck's campaign when he was elected United States senator. In 1878 he was appointed postmaster of Nebraska City to succeed W. A. Brown, and was reappointed in 1882, holding the office for nine successive years. In 1890 he was the nominee of the republicans for mayor of Nebraska City, but was defeated. In 1892 he was again nominated by his party, and elected by the largest vote ever given to any candidate in Nebraska City up to that time. Mr. Schminke was prominent in the Knights of Pythias, being a member of Schiller Lodge No. 28, and Custer division, uniform rank. He was also a member of Frontier Lodge No. 3, I. O. O. F., and Nuckolls Lodge No. 7, A. O. U. W. He was a charter member of the Otoe hook and ladder company, and took hearty interest in the affairs of the fire department. He was married in Washington county, O., Dec. 9, 1858, to Miss Anna Kuhlman, daughter of Capt. Deidrich and Margaret Kuhlman, the former a well-known sea captain and the master of a merchantman. Mrs. Schminke came to America with her parents in 1856. Ten children were born to Mr. and Mrs. Schminke: William D., Dora J., Augusta J., Paul (deceased), Anna M., L. Pauline, Josephine W., Katherine, Charles H., and Eda B.

SHAFER, MICHAEL, retired farmer, Tekamah, Neb., was born in Knox county, O., in 1831. His early boyhood was spent in toil upon a pioneer farm, and his schooling was confined to the primitive schools supported by the sturdy settlers of that section of the country. He early learned the value of industry and thrift, and when old enough started out in life for himself. He went to Jefferson county, Ia., while a young man, and remained there for a short time. In 1856 he removed to Nebraska, where he has ever since resided. When he arrived in Nebraska he had four yoke of oxen, one cow, a few household goods, and a few dollars in cash. He took a claim in what afterwards became Burt county, and at once began to make a home for himself and family. During the war he enlisted in the 2d Neb. Cav., and served as a non-commissioned officer for eleven months, rendering efficient service. Returning from the service he resumed work upon the farm, and has been

a farmer ever since. He has experienced all the privations of the early pioneer, and is entitled to the full reward he is enjoying. He is an energetic, enterprising, and public-spirited citizen, enjoying the friendship and esteem of all who know him. He is a stanch democrat, and takes an active interest in political affairs. In 1851 he was married to Miss Julia A. Lydick, and seven children have been born to them: Florence R., wife of Mathias Austin, Clarksdale, Mo.; William B.; Clara J., married George A. Corbin of Arizona; Alora M., wife of E. J. Darst, Peoria, Ill.; Viola E., wife of Randolph Gamble, Burt county; Charles E.; and Bertram E. Mr. Shafer retired from active work in June, 1902, and resides with his wife in a pleasant home in Tekamah.

JOHN M. SIPHERD

SIPHERD, JOHN MILTON, Nebraska pioneer and for thirty-five years a prominent citizen of Sarpy county, was born in Mogadore, Summit county, O., Sept. 16, 1838, son of Jacob and Mary (Webb) Sipherd, both of whom were natives of Pennsylvania. He acquired his education in the common schools, and at the age of twelve years he left his native state and went to Illinois. On Aug. 26, 1862, he enlisted in Co. E, 83d Ill. Vols., and served until discharged, July 26, 1865. He participated in the battles of Ft. Donelson, Pulaski, and in numerous other smaller battles and skirmishes. He enlisted as a private, was promoted to corporal, and discharged with the rank of sergeant. He bought a farm on which he settled, in Fairview precinct, Sarpy county, Neb., on Sept. 25, 1867, and has since been a continuous resident of the county. He has followed farming, and has acquired valuable land holdings, and is in comfortable circumstances. In early life he was a democrat, but after the war became a republican, and upon the organization of the Populist party in Nebraska joined the latter. He is a member of the G. A. R., and was for some time chaplain in Dahlgren Post No. 55, of Papillion. He is a member of the Methodist Episcopal church. Mr. Sipherd was married Jan. 9, 1868, to Harmony C. Palmer, who has borne him three children: Jennie Hagedorn, Frankie, and Gertrude Sipherd.

SLAUGHTER, BRADNER D., of Omaha, has for many years been probably as generally known among the people of the state as any other man among its citizenship. Although his duties as paymaster in the United States army require his presence most of the time in Omaha, his home is really in Fullerton, Nance county. Major Slaughter was born in Wayne county, N. Y., Nov. 12, 1849. His father was William B. Slaughter, who was prominent in the early settlement of Nebraska. In 1873 he entered the employ of the Nebraska State Journal Co. of Lincoln, and for eight years traveled over the state as its representative. During a portion of the time his trips were from 1,000 to 1,500 miles in extent, and as he made them altogether by team they were often fraught with hardships and adventures not now common to the traveling solicitor. In the fall of 1879, after the old Pawnee reservation had been thrown open to settlement, he removed to Nance county and located the present county seat, Fullerton, which has ever since been his home. Shortly afterwards he severed his connection with the State Journal Co. and went into the real estate and banking business. This business he pursued successfully until the fall of 1889, when he was appointed by President Harrison United States marshal for the district of Nebraska. This position he held until he was

succeeded in 1893, during the administration of Grover Cleveland, by Frank E. White of Plattsmouth. In 1895 he was appointed receiver of the Lincoln Street Railway Co., and at the end of two years was made general manager of the company. This position he resigned to accept an appointment under President McKinley as major and paymaster of United States volunteers, which position he still retains. Mr. Slaughter has always been an ardent and industrious republican, or at least was up to the time of his appointment to the position he now holds in the army. For ten years he was clerk of the Nebraska house of representatives. He is a member of the Masonic fraternity, past grand master of the state of Nebraska, has attained the thirty-second degree of the craft, and is a Knight Templar and a Noble of the Mystic Shrine.

SNOWDEN, WILLIAM PLEASANT, pioneer of Omaha, Neb., was born at Nicholsville, Jessamine county, Ky., Apr. 19, 1825, of genuine "blue grass stock." He is a son of Rev. William C. and Sarah (Bailey) Snowden, both born in Kentucky, of pioneer families, and becoming themselves pioneers of Missouri, to which state they removed about 1833. There William P. Snowden was reared, and acquired such schooling as was allotted to children in that early day. As free schools were few, Mr. Snowden educated himself chiefly by reading and observation. He enlisted Apr. 19, 1846, for the war with Mexico under the command of Alexander W. Doniphan, and from Ft. Leavenworth went to Santa Fé and thence to Monterey. He participated in the engagement at Brazita, fifteen miles from old El Paso, on Christmas Day, 1846, and again on Feb. 28, 1847, at Sacramento, near Chihuahua. Having been enlisted for twelve months, the regiment was ordered home from Monterey by Gen. Zachary Taylor, and in June, 1847, they reached New Orleans and were discharged. Mr. Snowden arrived at his home in Liberty, Mo., July 9, 1847. Soon after he went to Buchanan county, Mo., and while there he met and married Miss Rachael Larrisu, Sept. 9, 1847. She was born in Kentucky, Dec. 21, 1831, a daughter of John and Nancy (Stuart) Larrisu, both natives of Greenbrier, Ky., who had moved to Missouri in 1838. Mr. and Mrs. Snowden resided in Buchanan county, Mo., until Mar., 1853, when they removed to Kanesville, now Council Bluffs, Ia. The family at this time consisted of Mr. Snowden, wife, and two children, Nancy F. and Mary Eliza, who traveled in a wagon drawn by a yoke of oxen, with a cow tied to the back of the wagon. Mr. Snowden rode a horse, for which he had paid about $40, while a man was hired to help the family. The children were small, the journey was one of care and fatigue, and their entry into Kanesville was welcomed by all. The town was crowded with California emigrants and gold seekers, and not a few Mormons. The hotel, kept by Robert Whitted (near where the Ogden House now stands) was overflowing with guests. Mr. Snowden was told that he could have plenty for his family and himself to eat, and feed for his stock, but he would have to furnish his own bed, a place for which was allotted on the dining-room floor. Here they were very comfortable until awakened in the night by the landlord, who said that he and his wife were obliged to give up their bed to travelers, and they wanted to borrow some bedding, which the Snowdens were able to lend them. Once more comfortably settled they were again awakened to provide a bed for some one else, but in the morning when the bill was settled Mr. Whitted did not forget to charge first-class rates.

Mr. Snowden entered upon the business of an auctioneer, and found plenty to do, as horses and cattle were driven in from Missouri to be sold, and returning travelers from the west, unsuccessful and disgusted, were glad to sell their outfits and get back to their eastern homes. On the morning of July 11, 1854, a Mr. and Mrs. Newell crossed the Missouri river from Kanesville to the present site of Omaha, where Mr. Newell had been engaged to work in the brick-yard and Mrs. Newell to cook for the laborers. Mr. Snowden and wife followed them over in the afternoon of the same day, both families crossing on William D. Brown's flatboat ferry, as the steam ferryboat had not at that time been started. Mr. and Mrs. Newell remained only two weeks, which left to Mr. and Mrs. Snowden the honor of being the first actual and permanent settlers in Omaha. The ferry company built the first house in Omaha, the work being done by Tom Allen. It was a rude log structure, and was occupied by Mr. and Mrs. Snowden, who kept it as a hotel during the summer and fall of 1854, more especially for the accommodation of the employees of the ferry company. It was located on 12th and Jackson Sts., and was called the St. Nicholas, but was better known as the "Claim House." This was the first house and the first hotel in Omaha, and here the first religious services were held. At the solicitation of Mr. Snowden, a Methodist Episcopal preacher, Rev.

Peter Cooper, crossed over from Council Bluffs to preach. The following announcement of this meeting appears in the Omaha *Arrow* of Aug. 4, 1854:

"RELIGIOUS NOTICE

"There will be preaching at the residence of Mr. Snowden in Omaha City, Nebraska Ter., on Sunday the 13th inst., at 2 o'clock P. M., by Rev. Peter Cooper, of the Methodist Episcopal church. The citizens of Omaha City and vicinity, also of Bluff City are respectfully invited to attend."

There was a small but appreciative congregation. Not over twenty-five persons were in attendance, and they were chiefly from Council Bluffs. Among those present were Mr. and Mrs. Leonard, who led the singing, Alfred D. Jones, Alexander Davis and daughter, the latter two gentlemen being brothers-in-law of Samuel Bayliss of Council Bluffs. According to Mr. Snowden the second house in Omaha was built by Myron C. Gaylord, at what is now Burt and 22d Sts., the third, a sod house or dugout, was occupied as a grocery and saloon by Lewis & Clancy on the north side of Chicago St., between 13th and 14th Sts. This was known as the "Big Six," and was a very popular resort in those days. The fourth house was a log dwelling erected by Mr. Snowden on the west side of 10th, near Jackson St., and just south of Turner Hall. The lot was given to Mr. and Mrs. Snowden by the ferry company on the condition that they would build upon it. This was the first private dwelling-house that was completed, and Mr. and Mrs. Snowden moved into their new home after having kept the St. Nicholas for three months. The house was built of logs and clapboarded. The floors were of good smooth pine boards, which cost $100 per M. The front door, a panel one, cost $9, and the back door was made of battens. Quilts and aprons answered the purpose of windows, and rough boards were utilized for seats. Upon the completion of this house, some time in Nov., 1854, the pioneers had a grand house-warming, and quite a goodly number of persons assembled to join in the festive dance. Among those in attendance, besides Mr. and Mrs. Snowden, were Ed. Burdell, who afterwards built the city hotel at the southwest corner of 11th and Harney Sts., Jim Horton, Alex. Davis and daughters, A. D. Jones and wife, and Mr. and Mrs. Leonard. Mr. Leonard, who was an amateur "fiddler," furnished the music for the occasion, and did the "calling off." The ball opened with the "French four," a popular figure in those days. Mr. and Mrs. Snowden lived in this house for two years, and the building was standing as late as 1870. The ferry company had offered a lot to the first lady who settled in the new town. This was in due time awarded to Mrs. Snowden. During their residence at the St. Nicholas there were always several Pawnees camped near, and Mrs. Snowden was provided with a conch shell with which to call the men from the brick-yard in case the Indians became too familiar. At one time there was a sick squaw in camp, and during the night the Indians moved away and left Mrs. Snowden to administer to her wants as best she could, but the squaw died, and Mr. Snowden dug a grave near the southwest corner of 10th and Jackson Sts., in which the body was buried, after wrapping it in a Buffalo robe. So Mr. Snowden claims to have been the first undertaker as well as the first settler of Omaha.

Mr. Snowden earned his first money west of the Missouri river by making brick for the Nebraska territorial capitol, and continued building operations for some years. In politics Mr. Snowden was a whig in the early days, but when he first settled in Omaha he affiliated with the democrats. Of late years, however, he has been independent in politics, always voting for the best man, and never forgetting old-time friends. He was appointed assistant doorkeeper of the house of the first territorial assembly, and has ever since been prominent in the official life of Omaha. He served six years as city marshal, four years as deputy sheriff, twenty-five years as constable, and as bailiff of the county court for about six years. With the beginning of the Civil war, Mr. Snowden enlisted, Sept. 1, 1861, in Co. B, Curtis Horse Vol. which, with companies A, C, and D, was ordered to Benton Barracks, Mo., where they became a part of the 5th O. Cav. This command went direct to Ft. Henry and into active service. After three years Mr. Snowden reenlisted, and served until the close of the war, receiving his discharge at Clinton, Ia., about Aug. 20, 1865. He enlisted as a private, and was discharged with the rank of sergeant-major. Mr. Snowden returned to Omaha on a furlough in Feb., 1864, for one month. He was then sent, with eight others, from Davenport, Ia., on recruiting service, and made his headquarters at the Bryant hotel in Council Bluffs until July, 1864, when he returned to the field, having received the credit of recruiting more men than all the eight others combined. Mr. Snowden is a member of George H. Custer

Post, G. A. R., in which he has always taken an active interest. Mr. and Mrs. Snowden celebrated their golden wedding Sept. 9, 1897, and Mrs. Snowden died Dec. 17, 1898. She was the mother of seven children: Nancy J., wife of V. H. Thomas, Valley, Neb.; Mary E., married C. W. Wampler, Joliet, Ill., died May 1, 1902; James Allen, who died in 1856; George Forbes, Omaha; Martha Frances, wife of E. S. Emerson, Cheyenne, Wyo.; Jessie Elizabeth, wife of G. W. White, San Francisco, Cal.; and Helen M., Omaha. Mr. Snowden, who has been a familiar figure on the streets of Omaha for half a century, met with an accident Feb. 8, 1903, breaking his left hip, which compelled his retirement from active duties, although his general health remains good, and his mind is active and his memory remarkable. With the affectionate care of his children he is passing his last days in peace and quiet, with the consciousness of a life well spent and duties faithfully performed.

SOMMERLAD, HENRY WILLIAM, deceased, pioneer of Richardson county, was born at Beerfelden, Hesse-Darmstadt, Ger., Sept. 10, 1833, and died Nov. 21, 1873. He was a son of Charles H. and Elizabeth Sommerlad, the former a teacher in the public schools of Germany. Henry W. Sommerlad acquired his education in his native village. Both his father and his grandfather being school teachers, he received the best education that the country afforded at that time. When only fourteen years of age he was engaged as clerk in the general assessor's office in the district where he lived, and served two years. In 1848 he was apprenticed as a cabinet-maker, and after serving two and one-half years, he became a journeyman cabinet-maker, and in that capacity traveled in different parts of Germany. In 1852, in order to avoid the draft as a soldier in the regular army, he emigrated to America, arriving in New York Sept. 2. He went to Buffalo, and obtained work at his trade in the shop of Cutler & De Forest. He afterwards removed to Toronto, Can., but July 4, 1857, he settled at Arago, Richardson county, Neb., as a member of the German Colonization society from Buffalo, N. Y. For two years he followed his trade of cabinet-maker in Nebraska, then rented a sawmill, and engaged in lumbering. In 1864 he built the City hotel at Arago, but in 1867 he engaged in the brewery business. He was justice of peace in Arago township for six years, was city clerk one year, and tax receiver and assessor four years. In politics Mr. Sommerlad was always a republican, acting with the most radical of the party. In 1870 he was a delegate to the Republican state convention held in Lincoln, and in the fall of the same year was elected a member of the house in the eighth session of the state legislature representing Richardson county. As a legislator he was faithful to his many duties, and labored for the passage of some measure to induce immigration to Nebraska. In the spring of 1871 he was appointed by President Grant receiver of the United States land office of the Platte river land district, located at Lincoln, Neb. Mr. Sommerlad was a member of the Masonic order and the Knights of Pythias. He was an active member of the German Lutheran church, and contributed generously to its support. He was married in 1854 at Buffalo, N. Y., to Caroline Stein, a native of Alsace, France, which was afterwards ceded to Germany. Mrs. Sommerlad died in 1864, and in 1865 he was married to Christine Scherer, a native of Rhenish Prussia. Eight children were born to Mr. and Mrs. Sommerlad: Helen, now Mrs. William Bowen, Livingston, Mont.; Elizabeth, said to be the first white child born in Richardson county, now Mrs. S. I. Wilson, Livingston, Mont.; Carrie, now Mrs. G. H. Griffis, Los Angeles, Cal.; Henry W., Livingston, Mont.; Sophia, now Mrs. R. D. Haney, Denver, Col.; Philip A., Lincoln, Neb.; Katie and Charles, both deceased. Mrs. Sommerlad survives her husband and resides with her son, Philip A. Sommerlad.

SPEICE, CHARLES A., Columbus, Neb., was born Nov. 10, 1830, in Lancaster county, Pa. In his youth he attended what were known as subscription or pay schools. He was twenty-six years old when he migrated to Nebraska, landing in Omaha, May 12, 1856, from the steamboat Omaha, this being her first trip up the river. The first man he remembers seeing on his arrival was Governor Cumming, who had his trousers tucked into the tops of his boots, and, though so late in the spring, had on a buffalo overcoat. The first man with whom he became acquainted upon his arrival in Omaha was George Mills, who was at that time landlord of the Douglas House. Mr. Speice remained in Omaha until the first day of Jan., 1858, when he went to Columbus, where he arrived, after a three-days trip, Jan. 3, 1858. During his boyhood he had learned the carpenter's trade, at which he worked for several years after reaching Nebraska. He then studied law and was admitted to the state bar in 1862, and Nov. 10, 1870, he was admitted to practice in the United

States circuit court at Omaha. About the year 1865 Mr. Speice formed a partnership with Oliver T. B. Williams, which lasted two years. During this period, about 1867, Robert Wilson killed Ransell Grant, and was taken before Justice Henry J. Hudson for preliminary examination. Mr. Williams was then prosecuting attorney, and Mr. Speice was appointed with C. C. Strawn to defend the accused. The hearing was had, and Justice Hudson ordered the prisoner held for trial on the charge of murder, but a mob that had gathered was too expeditious for the court, took Wilson to a nearby cottonwood tree, and saved the county the expense of a trial, while Mr. Speice stood helplessly in his office door and saw himself thus unceremoniously deprived of his client. In 1869 Mr. Speice formed a partnership with James E. North, the firm name being Speice & North. The business of the firm was law, real estate, and real estate loans, and it continued until June, 1893. Mr. Speice was often called into service in the protection of the settlement from anticipated Indian raids. In the so-called Pawnee war, which occurred in July, 1859, Platte county turned out fifty men. Only four men remained at home in Columbus, and there were less than a dozen stay-at-homes in the entire county. Ever since he attained his majority Mr. Speice has been a democrat. He has been called to fill numerous offices of trust and responsibility. He was a member of the board of county commissioners of Platte county from 1861 to 1869, a member of the lower house of the legislature in 1869–71, a member of the state constitutional convention of 1872, which framed a constitution that was rejected by the people, county superintendent of schools during three terms from 1871 to 1875, and was a member of the board of education of Columbus from the early '60s until late in the '70s. He was county judge during the years 1886 and 1887. In Jan., 1893, he was appointed a member of the board of county supervisors to fill a vacancy, and at the general election in the same year he was elected for a term of two years. Mr. Speice has been a member of the I. O. O. F. since 1852, and has filled all of the offices in the subordinate lodge, represented his lodge for a number of years in the state grand lodge, was grand master of the jurisdiction for one term, and represented it for one term in the sovereign grand lodge. He has also been a member of the Masonic fraternity for about thirty years. On May 31, 1860, he was married to Katharina Becher, who has borne him eight children: Thomas Stuart, Josephine Fredrika, Gustavus Becher, John Milton, Charles Boardman, William Koenig, Washington Irving, Katharina Eleonora, and Lettie Ellen, all living except the first, who died in infancy.

SPIELMAN, HENRY STEVESON MORTIN, Nebraska pioneer and farmer of Burt county, was born in Williamsburg, Pa., Mar. 11, 1836. His father, John George Spielman, also born in Pennsylvania, was a son of Shultz Spielman, a native of Germany, married Elizabeth, daughter of Abraham Nikirk, and died in Nov., 1835, five months before Henry S. M. Spielman was born. Henry received his education in the common schools of Huntingdon county, Pa., where his mother moved immediately after his birth. On Oct. 26, 1857, he settled upon a quarter-section of land in Arizona township, Burt county, Neb., before it was surveyed by the government. He received a land warrant for the tract, but, through legal complications, succeeded in holding only forty acres of the 160 to which he was entitled. To his small farm he added from time to time until he is now the owner of 3,055 acres, 800 acres of which are under cultivation, the remainder being in meadow, pasture, and timber. For many years Mr. Spielman has devoted much attention to the raising and the feeding of cattle. In politics he has been always a democrat, but has taken little part as a politician, and has never sought office, though for a number of years he served as a member of the Arizona township school board. He has for some years been a heavy stockholder and the vice-president of the Burt County State bank at Tekamah. He is a stockholder, director, and treasurer of the Tekamah and Farmers' Telephone Co.; a stockholder, director, and vice-president of the Farmers' Grain and Live Stock association of Tekamah, and has other large financial interests. In philanthropic and charitable undertakings he has been liberal and gives his support to all projects intended for the benefit of his county. Mr. Spielman was married June 22, 1854, to Caroline, daughter of Thomas Jefferson and Mary Rickrode Borin of Huntingdon county, Pa. Mrs. Spielman was born in Hagerstown, Md. in 1832. They celebrated their golden wedding in 1904. To Mr. and Mrs. Spielman there have been born nine children: Mary E., wife of William A. Smith, of Florence, Wash.; Lily May, died at the age of eleven years; Stephen A. Douglas Spielman resides with his parents; Miles B. McClellan died at the age of five years; Jaynes Winfield resides at Sioux

Falls, S. D.; Suie Pricilla, wife of Alexander N. Corbin, a farmer residing near Craig, Burt county, Neb.; Miles Elmer died at the age of six years; Jesse T. S. lives on one of his father's farms in Burt county; and Francis Edgar died in infancy.

SPRICK, HENRY, Nebraska pioneer, one of the founders of the old town of Fontenelle, and for nearly half a century prominent in politics and in agricultural circles of Nebraska, was born Mar. 1, 1826, in Westphalia, Ger. He came of a family of farmers and had only such educational advantages as were afforded the peasant classes. In 1853 he came to America and first settled in Quincy, Ill., where he remained for eighteen months. Then, becoming interested in the plans of a company to form a settlement in the territory of Nebraska, he started westward, and after visiting Omaha, in the fall of 1855 made his way to Fontenelle, a town which at that time had its chief existence on paper and in the minds of the colonists, who had planned to make it a great city and if possible the capital of the state soon to be created. Returning to Quincy, Mr. Sprick was joined by Henry Brinkman, William E. Lusing, Henry Stork, Fritz Haybrook, and William Moscha, all from his own country, and they settled what became the township of Fontenelle. All of them built log cabins, and began to improve their lands. Not one of these six pioneers, four of whom are still living, made a failure of life, but all became men of wealth and influence. They all entertained brightest hopes for the new town, which they were instrumental in laying out, and for a time it vied with Omaha in importance; and at the first meeting of the territorial legislature it only lacked one vote of becoming the capital of the territory.

The settlers of Fontenelle were sturdy and progressive. They were the first in Nebraska to urge the matter of providing an institution for higher education, and as early as 1857 planned a large college. In 1859 a commodious building was erected, known as Nebraska University. In this, as well as in other undertakings of the early citizens, Mr. Sprick was a leader. The first college buildings were burned, but were soon after rebuilt by Mr. Sprick and others of the trustees, who became security for the material required for their construction; and upon the decadence of the town, and the consequent failure of the college to receive expected support, Mr. Sprick and those who were associated with him as sureties were compelled to pay the bills. This college was under the control of the Congregational church, and a few years after the new buildings were erected to take the place of those burned, the college was abandoned in favor of a new institution to be located at Crete, and which became the nucleus of the successful Doane college. A train of circumstances made Fontenelle one of the deserted towns of the West. It was first defeated in the contest for the capital, then left some distance from the U. P. R. R., and later from the Elkhorn R. R., and it is now a small but prosperous village. Most of its original site was gradually acquired by Mr. Sprick, who from the beginning was an optimist who never knew discouragement. He labored hard to settle up the country that is now one of the richest sections of the state. He gradually acquired and cultivated land, and now has more than 3,500 acres, and is surrounded by friends whom he induced to settle upon lands, all of whom are prosperous. From the time Mr. Sprick became an American citizen he has been a republican of the uncompromising kind, and has never missed voting at an election in his county. In 1873 he was elected a member of the state legislature, reelected in 1875, again in 1877, and in 1881; and in 1887 was a state senator. In 1884 he was a presidential elector from Nebraska, and voted for James G. Blaine. During his long residence in the state he has attended nearly all the conventions held in his county and in the state. He has been an advocate of liberal public education, and for many years has been connected with the local school board. Mr. Sprick was married in Mar., 1858, to Sophia, daughter of Henry Wilkening, of Quincy, Ill., and to them ten children have been born, of whom seven are living, namely: Mary, married to Rev. Christian Sick of Fontenelle, Neb.; Henry, married to Clara Heidbreder of Quincy, Ill.; Sophia, wife of Rev. Carl Krueger of Atchison, Kan.; Anna, wife of Ed Neibaum; and Albert, Emma, and Clara, who live at home. Louisa, the first born, died at the age of fifteen years; Deidrich, the sixth child, died in infancy; and Alfred, the youngest son, died at the age of twenty-three, Oct. 22, 1901. Mr. Sprick and family are members of the German Lutheran church.

STEINHART, JOHN, pioneer of Nebraska City, Neb., was born at Blieskastel, Bavaria, Ger., Oct. 28, 1832. He is a son of John and Barbara Steinhart, the former a merchant tailor, and both natives of Germany. John Steinhart acquired a common school education, and learned the tailoring business with

his father. He emigrated to America in 1853, landing at New York. The following two years were spent in New York city and Newark, N. J. He then went to New Orleans, where he was a clothing salesman for about one and one-half years. He went to St. Louis in 1856, and one year later removed to Brunswick, Mo., where he remained during the Civil war. During the war he became very well acquainted with General Price, but did not enlist in either army. In 1865 he went to Nebraska City, Neb., where he arrived Aug. 10, and immediately established himself in the merchant tailoring and men's furnishing goods business. He disposed of this business in 1886 to John A. Nelson, and entered the government service as store-keeper at the Willow Springs distillery, Omaha, holding this position until the expiration of President Cleveland's first term. Mr. Steinhart was postmaster of the Nebraska state senate during the twenty-second session in 1891. Later he became one of the assessors of Nebraska City, and is at present a member of the city council of Nebraska City from the 3d ward. He has always been a democrat in politics, and is a member of the Knights of Honor, and the Royal Arcanum. He was married July 29, 1858, to Anna Danner, and four children have been born to them: Anna V., widow of Stephen A. Hail; John W., cashier of the Otoe County National bank, and one of the progressive young men of Nebraska City; Mary S., widow of William Cornutt; and Edward Lee Steinhart, a clerk in the Otoe County National bank. Mr. John Steinhart has practically retired from all active work, and resides quietly in the old home, where he has lived ever since he first settled in Nebraska City.

STREETER, JOSEPH EVERETT, associate justice of the supreme court of Nebraska territory, 1861–63, was the second son of Dr. Joseph B. and Chloe (Aldrich) Streeter. He was born at Hartford Susquehanna county, Pa., Aug. 3, 1829. He acquired a common school education, supplemented by a course at the Franklin academy at Harford, under the eminent educator, Rev. Lyman Richardson. He taught several terms in the public schools, and for some time was a clerk in the store of Grow Bros., at Glenwood, Pa. In the early '50s he removed to Joliet, Ill., and began the study of law in the office of Uriah Osgood, then a prominent lawyer of that town. After his admission to the bar, he entered into partnership with Mr. Osgood, and was soon in the enjoyment of a large practice. He was elected the first mayor of Joliet, in Mar., 1854, and in 1855 he returned to Glenwood, Pa., and was married to Elizabeth G. Grow, a sister of Hon. Galusha A. Grow. He continued his law practice in Joliet, and in 1858 he took an active and prominent part in the support of Abraham Lincoln during his celebrated contest with Senator Douglas. He was appointed associate justice of the supreme court of Nebraska territory by President Lincoln, Nov. 18, 1861. In a recent letter to the editor, Hon. Galusha A. Grow says that the appointment was made on his recommendation, and acquiesced in by Samuel G. Daily, then delegate from Nebraska territory. On assuming his duties Judge Streeter was assigned to the 2d judicial district, and appointed his brother, Rienzi Streeter, clerk of his court. He established his residence at Nebraska City, where he resided until his death, which resulted from consumption, Feb. 20, 1863. During his brief service on the bench he gained an enviable reputation as an able and impartial judge. A recent letter from W. W. Stevens, a pioneer lawyer of Joliet, Ill., and a personal acquaintance of Judge Streeter, conveys the following information: "Judge Streeter was from the start very successful in the practice of law, and soon rose to be one of the leading attorneys. He was what we called a well-read lawyer, a fluent speaker, and was eminently popular with all classes, particularly so with the legal fraternity. As mayor of Joliet he made an excellent reputation in his management of our municipal affairs. In fact, he was one of the most efficient and popular mayors the city ever had. He declined a second term as the duties of the office interfered very materially with the practice of his profession." His brother, Rienzi Streeter, resides in Harford, Pa., as does also a nephew, Henry Streeter. A portrait of Judge Streeter appears on p. 557 of this volume.

SUMMERS, JOHN E., Sr., M.D., now residing in Washington, D. C., was born in Fauquier county, Va., Jan. 24, 1822, and was for thirty-eight years actively connected with the medical department of the United States army. He was educated in the universities of Virginia and of Pennsylvania, and in 1847 was appointed assistant surgeon in the United States army. May 21, 1861, he was made a surgeon in the army, and promoted to be medical inspector with the rank of lieutenant-colonel in Feb., 1863. He was mustered out in Oct., 1865, and resumed the regular surgeon's rank of major, declining the brevet of lieuten-

ant-colonel tendered him for meritorious services during the war. He was regularly commissioned lieutenant-colonel and surgeon, Mar. 17, 1880, and advanced to colonel and surgeon, Jan. 9, 1885. He served in the Mexican war in 1847–48; from July, 1848, to Oct., 1852, was stationed at San Diego, Cal.; then at Ft. Dalles, Ore., until Nov., 1854; at Ft. Snelling, Minn., to Aug., 1856; Ft. Kearney, Neb., to Jan., 1862; in charge of all general hospitals at Alexandria, Va., to 1863; lieutenant-colonel and medical inspector to Oct., 1865; medical director of the Department of the Tennessee from Oct., 1865, to Oct., 1866; medical director of the Department of Dakota (stationed at St. Paul) from Oct., 1866, to Sept., 1870; post surgeon at Fortress Monroe to Sept., 1874; and medical director Department of the Platte from 1874 until retired from active service, Jan. 24, 1886. Brigadier-general U. S. army, retired, act of Congress May 23, 1904. He now resides at Washington, D. C., where he lives a quiet life. He was married to Caroline J. Stewart, a native of New York state. He has two living children, Dr. John E. Summers, Jr., Omaha, and Carrie D., residing at home with her father.

SUTHERLAND, JAMES ROBERT, pioneer of Tekamah, son of Donald and Margaret (Murray) Sutherland, was born Jan. 31, 1845, at Woodstock, Can., where he lived until he was twenty years of age. His parents were natives of Scotland and emigrated to Canada in 1836. James received a common school education, supplemented by an academic course, and in 1865, induced by the demand for mechanics in the construction of the U. P. R. R., he migrated to Omaha, Neb., making that city his headquarters until 1869, when the railroad was completed. In the fall of the latter year he settled in Tekamah, and was employed as contractor and builder until 1884, when he became interested in newspaper work. He is a republican in politics, and in 1889 was elected from the 7th senatorial district to the 21st state legislature. He served on the state board of transportation 1895–96, and has been a member of the school board and city council of Tekamah for a number of years. He has also been identified with county and state agricultural societies. Mr. Sutherland is a member of the Masonic order and affiliates with the Presbyterian church. He was married Dec. 12, 1871, at Tekamah to Miss Mary S. Conger, and they have three children: Marietta, born Sept. 27, 1872, now the wife of James V. Stout; Irene, born July 3, 1880; and Douglas Conger, born July 14, 1888, both at home.

SWEET, CAPT. FRANKLIN, deceased, pioneer of Merrick county, Neb., was born at Mechanicsburg, Pa., Sept. 14, 1840. He was a son of B. P. Sweet, a native of Rhode Island and a teacher by profession, and Catharine E. Sweet (nee Burroughs), who was born in New Jersey. He was educated in the common schools and an academy of his native state. On the Fourth of July, 1861, he enlisted at Rimersburg, Pa., as a sergeant in Co. E., 62d Regt., Pa. Vol. Inf. He took part in the siege of Yorktown and the battles of Mechanicsville, Hanover Court House, Gaines' Mills, Malvern Hill, and Second Bull Run, Antietam, and Gettysburg. He was severely wounded in the last-named battle. After recovering from his wounds he was commissioned captain, and took part in the subsequent campaigns under General Grant until the expiration of his term of enlistment, being mustered out of the service with his regiment July 13, 1864. Subsequently he assisted in recruiting a new company, which was assigned to the veteran 83d Regt. Pa. Vol. He entered the service this time with the rank of first lieutenant, and was soon afterwards commissioned captain of Co. H of that regiment, with which he served until mustered out at Harrisburg, Pa., June 8, 1865. At the close of the war Captain Sweet returned to Pennsylvania, and for a short time engaged in farming. In 1868 he removed to Cincinnati, O., where he was a clerk in the office of the county recorder until the spring of 1871, when he removed to Nebraska, settling on a homestead in Merrick county. For nearly ten years he was engaged in farming and stock raising. He was a republican in politics and represented Merrick county in the state legislature for two consecutive terms, 1887-89. He also held the position of inspector general on the executive staff during the administrations of Governors Nance, Dawes, and Thayer. He became colonel of the 2d Regt. N. N. G., at the time of its organization. In Mar., 1890, he was appointed by President Harrison register of the U. S. land office at Grand Island, but resigned the office in Aug., 1894, to return to Clarks, Neb., where he resided until his death, and was engaged in the real estate and insurance business. He was a member of the Loyal Legion, and a past commander and quartermaster of Thornburg Post No. 27, G. A. R. He was also a member of the Masonic order, and was the first master of Solar lodge, A. F. and A. M. He was married in Nov., 1865, to Miss E. Mullen, a native of Cincinnati. One child, William, was born to them and died in 1870. Captain Sweet died Mar. 17, 1905, and was buried with Masonic honors.

TAGGART, ROBERT MYERS, pioneer, son of Rev. John M. Taggart, was born Jan. 9, 1848, in Macoupin county, Ill. In 1849 the family moved to Jacksonville, Ill., where they remained until Aug., 1856, when they settled in Fontenelle, Neb. They removed in 1859 to Cuming City near the present site of Blair, and in May, 1861, settled at Nebraska City. Mr. Taggart's early education was obtained in the district schools of Nebraska territory. In 1863 he began to learn the drug business, but in August of the following year he enlisted in Co. A, 1st Neb. Regt., 2d Bat. Neb. Ter. Mil., and after seeing service on the frontier, received his discharge Dec. 21, 1864. Mr. Taggart then went to Chicago and took a course in Bryant and Stratton's commercial college. Returning to Nebraska he entered a homestead near the present town of Palmyra, and after proving up upon his claim in 1872, moved into the village of Palmyra, where he held several positions of trust and responsibility. For some time he was assessor; later was justice of the peace, member of the school board, and postmaster. In 1884 he was elected a member of the legislature, and in 1885 was elected county treasurer of Otoe county; in 1891 was elected county clerk; in 1895 was elected clerk of the district court, serving two terms. Mr. Taggart was a member of the board of education in Nebraska City from 1895 to 1904, and a large part of that time was chairman of the finance committee. He was married in May, 1871, to Ida M. Seeley, and one son, John S., has been born to them. Mr. Taggart now (1905) spends much of his time in Lincoln, Neb., and is connected with the Nebraska Mercantile Mutual Insurance Co.

TEFFT, ORLANDO, of Avoca, Cass county, Neb., was born at Elgin, Ill., Dec. 26, 1843, son of Amos and Margaret (Calvert) Tefft, the former a descendant of the family that settled in Rhode Island in 1648, and the latter a native of Greenock, Scot., and a blood relative of Lord Baltimore, whose family name was Calvert. She was married to Amos Tefft at Elgin, Ill., and died in 1875. Orlando Tefft was educated in the common schools, at which he began a regular attendance when he was two years of age, and at the Elgin academy, an excellent school then under the care of Mr. Robert Blenkiron, a man of scholarly attainments and a graduate of Oxford (Eng.) university. Mr. Tefft never had the advantages of a collegiate training, though he has constantly augmented his early education by extensive reading and study. In Sept., 1857, he accompanied his parents to Nebraska. He was then a boy of fourteen years, and commenced his initiation into the intricacies of successful farming. For a short time he was clerk in a store, and by this means earned the first dollar he ever received for labor. He followed farming until 1882, when the failing health of his wife prompted him to abandon his agricultural pursuits in which he had been highly successful. About this time the M. P. R. R., which was under construction, located a depot upon one of Mr. Tefft's farms, and thus the town of Avoca was founded. Mr. Tefft moved to the new town, and turned his energies toward the building up of the village. He purchased, a few years later, a half interest in the Bank of Avoca and in the lumber yard, to which he gave his personal attention for some years. Disposing of his interests in these concerns, he was again without a business and practically retired to a life of ease, the reward of his years of labor. With the beginning of the Civil war Mr. Tefft desired to enlist in the army, but refrained in deference to his mother's wishes. He has always been a republican, and by the citizens of Cass county was sent to the state senate in 1879, 1881, 1893, and again in 1895. While serving as senator he introduced a bill for the improvement of public roads, but as it was too far in advance of the sentiment of that time, he was not gratified by seeing it become a law, a thing that he eventually expects to see accomplished. In 1896 he was nominated for lieutenant governor, receiving on the first ballot more than two-thirds of the votes cast in the convention. In 1899 he was appointed chairman of the republican state central committee, and formulated the plan of organization which was carried out in 1900 by his successor, at whose request he took an active part in the management of that successful campaign which resulted in the overthrow of fusionist control of Nebraska governmental affairs. Mr. Tefft was married July 4, 1868, to Miss Elizzie H., the daughter of Samuel M. Kirkpatrick of Nehawka, Neb. Mrs. Tefft was an estimable woman, possessed of a highly cultured mind, a delicate sense of humor, and was a happy and devoted wife and mother until her death in Nov., 1899. She was the mother of two children: Clarence E. Tefft, now a lawyer at Weeping Water, and Randolph, who died in infancy.

TIEHEN, HERMAN, Nebraska pioneer and prominent farmer of Salem, Richardson county, was born in Hanover, Ger., July 15,

1829, son of Herman and Angeline Tiehen, both of the well-to-do rural class, the former dying in 1836, and the latter in 1884. At the death of his father Herman was only seven years old. From that age until he was fourteen he attended the schools of his native place, and during vacation herded cattle in order to help his mother. From his fourteenth year until he was nineteen he herded sheep, putting in his spare time at knitting socks, and working in the winter time at threshing; and in the haying season for two years went forty miles from home to do that work. By the time he was twenty-one years old he had saved enough of his earnings to pay his passage to America, and in 1851 he set sail for New Orleans. On the vessel he worked for two days carrying wood, and received a dollar a day for his service. Arriving at New Orleans he set out by river for St. Louis, but when he reached St. Genevieve, Mo., his money was reduced to forty cents, and he could go no further. There he succeeded in securing employment at grubbing stumps at twenty-five cents a day and his board. In the spring of 1852 he hired out to a farmer for a year at $8 per month. In 1853 with five companions he started from St. Genevieve with six yoke of oxen and one wagon loaded with provisions, bound for the gold fields of California. They arrived there, after having walked most of the way. Mr. Tiehen worked hard, and in three years had saved $3,000. In 1856 he returned by steamship by way of Panama, made his way to Nebraska, and settled on land in Otoe county, eight miles southeast from Nebraska City. There he lived a bachelor's life until 1862, when he married Catharine Agnes Rothenburger, daughter of John B. Rothenburger, for many years a prominent resident of Humboldt, Neb. After two years Mr. Tiehen removed to Salem township, and commenced life there in a one-room house built of logs. Three years later, with lumber shipped up the Missouri river, he built a house about half a mile from his log cabin, and in this house, which has since been enlarged and greatly improved, he still resides. Mr. and Mrs. Tiehen have had seven children, two sons and five daughters, of whom the sons and three daughters are living. From his little farm of a quarter-section he has increased his land holdings until he now has more than 2,000 acres of highly cultivated land. Mr. Tiehen is a philanthropist and believes in doing good with the money he has accumulated. Mr. Tiehen and his family are members of the Roman Catholic church, and recently donated $2,500 for the building of a fine church in the town of Salem, known as St. Herman's church. The father of Mrs. Tiehen, John B. Rothenburger, was born in France, June 27, 1807. In 1840 he emigrated to America, settled in Missouri the same year, and a year later married Wilhelmenia Neiters. In 1854 he drove from his Missouri home to Nebraska, made his way along the Nemaha river, and settled on land which was eighteen miles from the nearest neighbor. While he was building a shanty to live in he was surprised by Indians who attempted to take his team, but he escaped with his young son by driving as fast as his team could go twenty-two miles to Missouri. There he remained two months, then came back to his claim, bringing with him his wife and seven children. He built a home and lived there until his death, Feb. 2, 1884, at the age of eighty years. His son now lives on this farm.

TITUS, JAMES A., Nebraska pioneer, was born in Providence, R. I., Nov. 11, 1831, and died near the city of Nemaha, Neb., Jan. 12, 1901. He received his early education in the schools of his native city, and while a young man determined to seek his fortune in the West. In Feb., 1855, he settled on a claim in Nemaha county, Neb., and began farming, in which he was highly successful. In 1857 he sold his claim and purchased a farm close to the village of Nemaha, upon which he lived until his death, with the exception of twelve years, when he resided in the town of Nemaha. For some years he was engaged in business in Nemaha, and was the postmaster of the town from 1870 to 1874, and again from 1880 until 1882, both times resigning to give his attention to his personal business. About four years before his death he retired from active business, and entrusted the conduct of affairs to his sons. Mr. Titus was a Mason of prominence and had attained to the thirty-second degree, Scottish Rite, and for some years held the highest office in the gift of the local Masonic lodge. He took a lively interest in all affairs of a public and semipublic character and in charitable and philanthropic work. He enjoyed a large acquaintanceship throughout the state, principally with all who were interested in the matter of horticulture and tree culture. He was married in 1860 to Mary A. Burns, and his widow survives him along with a daughter, Mrs. Lydia Williams of Shubert, Neb., and four sons, George Nathaniel, Albert R., Frank, and Joseph Titus. In 1887 George N. Titus conceived the idea of establishing a

nursery, and in this his father encouraged him. About an acre of land was devoted to experimenting, and from the first the venture was a success. The nursery grew in importance, and a ready sale was found for its product. From the one acre devoted to tree-growing in 1887 the nursery has increased until in 1901 eighty acres were utilized on the farm near Nemaha and eighty acres more at Glen Rock, Neb., and the business spread far beyond the limits of the state. For some years trees and shrubbery have been shipped to almost every state and territory in the Union. For some time prior to his death Mr. Titus assisted his sons in the conduct of the nurseries, and since his death the large business which is conducted under the name of the Titus Nursery, is attended by G. N. Titus, who is the founder of the business, and his brother, Albert R. Titus, both men of excellent business qualities, and recognized authorities upon the matter of tree culture in Nebraska and the West.

TOWLE, EDWIN SARGENT, lawyer, Falls City, Neb., was born at Mishawaka, St. Joseph county, Ind., June 13, 1843. His parents were Samuel S Towle and Maria Stephens, who were married at Door Prairie, Laporte county, Ind., in the fall of 1841, at the home of Alfred Stephens, a brother of Mrs. Towle. Both parents were of pure New England stock. The mother was descended from pioneers of Connecticut, and the father was of the sixth generation from Phillip Towle who lived at Hampton, N. H., about 1640; fifth generation in descent from Caleb Towle and Ensign Sargent, two of the founders of Chester, N. H., about 1730; fourth generation from Anthony Towle, a captain in the French and Indian wars 1757; third generation from Samuel Towle, a lieutenant in the French and Indian wars, 1757, one of the founders of Candia, N. H. Samuel Towle, born 1769, the paternal grandfather of E. S. Towle, moved from Chester, N. H., to Monroe county, N. Y., in 1806, with his wife, Lydia Sargent Towle, and three small children, Mrs. Towle being the first white woman settler to cross the Genesee river. Samuel S. Towle, born 1708 at Clarkson, N. Y., moved to St. Joseph county, Ind., in 1836, where Edwin S. Towle was born and reared. His boyhood was spent in attendance at the public schools at Mishawaka and in labor on his father's farm. At the breaking out of the Civil war he enlisted in the company recruited at Mishawaka for the 9th Ind. Vol. Inf., but shortly afterwards, receiving an appointment as midshipman at the United States Naval Academy, was released from army service. He remained at the naval academy until midsummer of 1862, when he was detailed for recruiting service at Leavenworth and Omaha. On Sept. 6, 1862, he settled at Falls City, Neb., and began to read law in the office of Judge Isham Reavis. In the early spring of 1863 he enlisted in Co. L, 2d Neb. Vol. Cav., as first duty sergeant. This regiment, under command of Col. Robert W. Furnas, was sent to the Dakotas in General Sully's command to pursue and punish the Sioux Indians engaged in the Minnesota massacre of the previous year. The summer of 1863 was opened by General Sully's little army on the upper Missouri river and the table-lands to the east. A large encampment of Sioux Indians was surprised at White Stone Hills on Sept. 3, 1863, and in the brisk engagement which followed the Indians were routed and driven from the field with considerable loss on both sides. Mr. Towle was discharged from service, Dec. 23, 1863, after a siege of typhoid fever at the U. S. hospital at Yankton, and immediately returned to Falls City and resumed the study of law. He began the practice of law in the spring of 1864 at Falls City, which has continued to be his home and residence up to the present time. He was married Apr. 15, 1866, to Miss Kittie L. Dorrington, daughter of David and Ann Dorrington, the pioneers of Falls City. Of this marriage, two children, both sons, were born: Edwin H Towle, of Falls City, born Sept. 19, 1869; and John W. Towle, of Omaha, born Aug. 28, 1872, both of whom are now living and engaged in business in Nebraska. Mr. Towle was elected by the people of Richardson county as a member of the constitutional convention of 1871. The constitution framed and submitted at the fall election of 1871 was rejected, for sectional and factional reasons foreign to the subject-matters involved in the new constitution. He was elected to the Nebraska legislature in 1872, serving in the ninth regular and tenth special sessions. He was an active member of the lower house, framing and introducing many of the bills which became laws at these sessions. He was elected to the same branch in 1874 and by a unanimous vote was chosen speaker of the house in 1875. From 1866 to 1880 Mr. Towle was engaged in the active and successful practice of law in both the state and federal courts of Nebraska. Since 1880 his private business has claimed his attention and he has gradually drifted out of the law. At this time (1905) both he and his wife are living at their home in Falls City enjoying the best of health. Mr. Towle is one of Nebraska's most influential and substantial men.

E. S. Forth

TUCKER, GEORGE P., pioneer, Johnson county, Nebraska, was born in Walworth, Wayne county, N. Y., Sept. 28, 1834, and died July 22, 1892, in Lincoln, Neb. He was a son of Luther and Elmyra (Kent) Tucker who were natives of New York state. Their ancestors were Americans for generations back, but the Tucker family originally came from England. Upon the death of his father, George P. Tucker was left, at the age of four years, without a paternal guardian. His early education was acquired in the public schools of Wayne county, and later he was a student in Walworth. He remained at home until his majority, and followed farming and stock raising. In 1856 he traveled through several western states and visited Nebraska. In the fall he returned to New York in time to cast his first presidential vote for John C. Fremont for president. The following spring, he returned to Nebraska where he remained a few months, but spent the winter of 1857 in Chicago. In the spring of 1858 he settled at Helena, Johnson county, Neb., and engaged in farming and stock raising. Here he constructed a house entirely of walnut timber, in which he lived for a number of years. When the 2d Neb. Cav. was organized, Mr. Tucker enlisted, Oct. 21, 1862, in Co. F., and was made quartermaster-sergeant. He was promoted to be orderly sergeant, Nov. 13, 1862, and was mustered out of the regiment in 1863 as sergeant-major. The regiment was sent to Dakota on the western frontier to do Indian service. In company with Benjamin F. Lushbaugh and Charles G. Dorsey, Mr. Tucker owned the town site of Helena, Johnson county, which they surveyed and platted in 1867. In the fall of 1866 he was elected to the 1st state legislature of Nebraska and was one of the members whose vote assisted in moving the capital from Omaha to Lincoln. In 1870 he was again elected to represent Johnson county in the legislature and served as senator during the stormy session of 1871. As a legislator he was shrewd and observing, a good debater, firm in his allegiance to right, and as firm in his hatred of wrong, no reward of favor, nor frown of displeasure being able to move him from the straight path of duty. During his service as senator in the 8th legislature of Nebraska, he was a member of several important committees and did faithful work as a representative of his district. Mr. Tucker moved to Lincoln with his family in 1873 and engaged in the real estate business with John McManigal, in which he continued until his death. As a business man he was exceedingly fair and honorable in all his transactions. He was the first water commissioner of Lincoln, and in this capacity saved the city many thousand dollars by his rigid inspection of water pipe, and by insisting that it should grade up to specifications. Mr. Tucker's high character, wide range of information, and known integrity made him the natural arbitrator of neighborhood differences, and for many years he was the local dispenser of justice in his part of Johnson county. He was noted for his openhanded liberality and philanthropic spirit. Mr. Tucker was married Mar. 19, 1864, to Nancy J. Smith of Republic, Seneca county, O. Miss Smith came to Nebraska in 1863 and was married in Johnson county at the home of her sister, Mrs. Palmer Blake. Nine children were born to Mr. and Mrs. Tucker, eight of whom are living. The life of the pioneer wife is of necessity one of hardship. The rearing of a family on the border line of civilization; the household duties to be performed only by the mother, where domestic help can not be had; the loneliness of an isolated home, are burdens that can only be fully realized by the women who have passed through such an experience. Mrs. Tucker met all these trials bravely and cheerfully, only to be called upon to face, by the death of Mr. Tucker, the entire responsibility of directing the care and education of their children at the most important time of their lives. The wonderful courage of the pioneer woman has in Mrs. Tucker been fully exemplified. She has managed a large estate successfully, educated her children into honorable men and women. Like very many women from eastern homes who gave the keynote to Nebraska's civilization in its early days, Mrs. Tucker is a woman of culture and gentle manner. Her wonderful influence for good marks her as a woman of strong intellectuality, and the great love her many friends and especially her children bear toward her emphasizes her strongest characteristic—a woman with a heart full of love and kindly sympathies.

TURNER, CHARLES, Nebraska pioneer, capitalist, and for many years prominent in real estate circles of Omaha, was born in Plattsburgh, N. Y., June 18, 1823. Both his paternal and maternal families were founded in America in the colonial days, the Turner family being among the very early settlers in Connecticut, whence members of succeeding generations migrated to Massachusetts, Vermont, and New York, many of the late generations seeking homes farther west, in

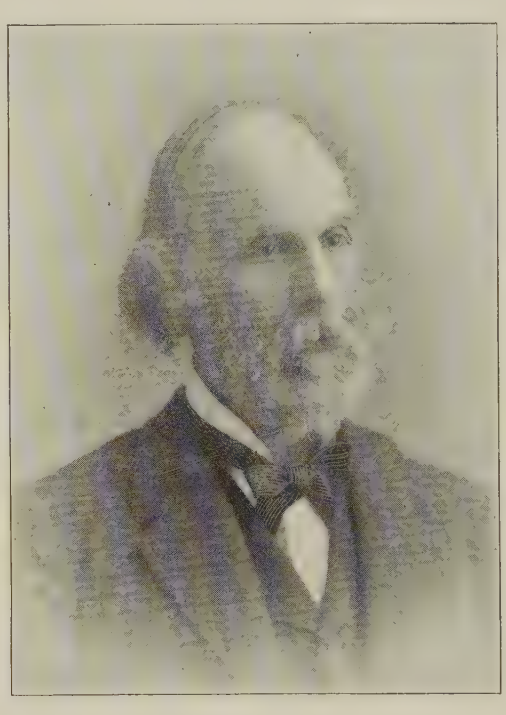
Michigan and Wisconsin. The family is of English origin. Mr. Turner's grandfather, Abel Turner, was an officer in the Connecticut militia, and served in the war of the Revolution, and his father, also named Abel Turner, in 1814, at the age of seventeen, volunteered, and served in the battle of Plattsburgh. The latter married Mary Turner, a fourth cousin and a granddaughter of Nathan Beman, the lad who piloted Ethan Allen into Ft. Ticonderoga and made the way easy for its capture. Many members of the family have won places of honor in the professions and in public life. Charles Turner was reared on a farm, and his educational advantages were confined to the common schools. He had natural aptitude for mathematics, and early in life became a practical surveyor. For some years he was engaged in government surveying, and this work brought him to Nebraska in 1855. He settled at Omaha, and was one of the first to run parallels and township lines. This work occupied his time until the Civil war came, when the government temporarily suspended its work of surveying. After the war he engaged in the real estate business, and for more than thirty years has been prominent in that business. Among his fortunate investments was the tract of land now comprising Summit Place, which is one of the fashionable residence parts of the city of Omaha. In 1900 Mr. Turner donated to the city a tract of six acres in Summit Place to be used as a public park, and to be known as Curtiss Turner park, in memory of his son, Curtiss C. Turner, who lost his life in the Klondike country, at Chilkoot pass, on Apr. 3, 1898. For half a century Mr. Turner has been a member of the Masonic order, having been made a Mason in Appleton, Wis., in 1855, the year he came to Omaha, and he was one of the early members of Lodge No. 3, of Omaha. He has alway been a democrat, but never an active political worker. On Jan. 14, 1857, he was married to Charlotte Orpha Kennedy, of Bolton, Vt. To them four children were born, three of them dying in infancy. One son, Curtiss C. Turner, reached manhood, and was well started upon a career of brightest promise when he accidentally met his death. Mr. and Mrs. Turner live at their home in Summit Place, Omaha.

TURNER, CURTISS CHAUNCEY, prominent as a civil engineer, was born in Omaha, Neb., Aug. 31, 1863; died at Sheep Camp, Chilkoot pass, Alaska, Apr. 3, 1898. He was the only son of Charles Turner and his wife, Charlotte Orpha (Kennedy) Turner, who are pioneers of Omaha. Both his paternal and maternal families descended from Scotch-English stock that settled in America early in the colonial period, and his ancestors on both sides were soldiers in the wars of the Revolution and of 1812. His early education was acquired in the public schools of Omaha, and he graduated from the high school in 1881. After a year of further preparation he entered Yale college, scientific department, from which he was graduated with honor, in 1885, returning in 1886 and taking a post-graduate course of one year in civil and dynamic engineering. He then entered upon the work of his profession as a civil engineer in Omaha. For some time he was employed by the M. P. R. R. Co., and later in the construction of the lines of the Omaha Cable Tramway Co., and in the office of the city engineer; in investigations relating to irrigation under the auspices of the state of Nebraska and the United States, and in the construction of wagon roads. He was an ardent advocate of good roads. He made a special study of road building, and was long recognized as an authority upon that subject. In 1890 he was nominated for the office of chairman of the board of public works of Omaha, by Mayor R. C. Cushing, but for purely political reasons his nomination was not confirmed by the city council. In 1892 he began the movement in behalf of good roads for Nebraska and particularly for Douglas county. At his own expense he traversed every section of the county, of which he made topographical surveys and maps, with a view of arousing such an interest as would result in the lessening of grades, the shortening of routes, and in general the building of better roads and their maintenance at a minimum cost. He made numerous addresses in the county and in towns of the state. He carefully studied the laws relating to roads and public highways, and before various sessions of the legislature made strenuous efforts to have desirable changes adopted. He received much co-operation and support, but not sufficient to overcome the long-established system of section-line roads. But his efforts resulted in greater care being given to the construction and repair of highways, principally in Douglas county. He always opposed the careless granting of franchises to corporations. In 1893, when the Platte river canal project was brought before the citizens of Omaha, and a proposition to have bonds voted in its support, Mr. Turner, having satisfied himself that the project was not a feasible one for the community to undertake, became one of the strong-

est workers against the voting of the bonds, and in 1894, largely through his energy and influence, they were defeated and the county saved from a heavy burden. In all public matters Mr. Turner took an active interest. He was one of the uncompromising opponents of the proposed fifty-year gas franchise, was a conservative counselor in the matter of laying out Omaha's park system and in the location of the Exposition grounds. In the summer of 1897, when the Klondike excitement was at fever heat, Mr. Turner, seeing the great possibilities for engineering feats in that country in building wagon roads and railroads, set out for Alaska. He conceived the plan to build an aerial tramway over Chilkoot pass, but in carrying out the design he was anticipated by others. Returning home for consultation with those interested in his investigations, in December following he again went to Alaska. He planned a line by tramway, railroad, and water route from Chilkoot pass to Dawson by way of Crater and Long lakes, and had material for two ten-ton boats, for use on the lake, carried to the summit of Chilkoot pass. On Apr. 3, 1898, he was buried in a snow slide while on the trail near Sheep Camp. His remains were recovered, and returned to Omaha, and buried in Forest Lawn cemetery. In his social life Mr. Turner was marked by the strong personality which was so prominent in his professional career.

UPJOHN, DR. ERASTUS N., was born in England in 1811, where he acquired his early education in a private school of his native town. He emigrated to the United States in 1829, and settled in New York city. Soon after he matriculated at the Bellevue Medical college, from which he was graduated in 1835. He removed to Allegan county, Mich., and engaged in the practice of his profession until 1854, when he settled in Bellevue, Nebraska territory. Here he was one of the very first settlers, only seven or eight having preceded him. He at once engaged in the practice of medicine which he continued for twenty-six years, or until his death, at Bellevue, Mar. 10, 1880. Dr. Upjohn served as surgeon of the 2d Neb. Vol. Regt. in 1863. He was married in 1850 to Myra E. Thompson, the first white child born in Allegan county, Mich. Mrs. Upjohn, with her three young sons, Erastus N., Edward J., and William C., joined her husband in Bellevue, in Apr., 1855. At Bellevue, two more children were born to them: Eliza and Marcus. After the death of her husband, Mrs. Upjohn married Richard Hogeboom, and still resides in Sarpy county.

WAKELEY, ELEAZER, pioneer lawyer and jurist of Omaha, was born in Homer, Cortland county, N. Y., June 15, 1822, the eldest of three sons, with one older and one younger sister. His father, Solmous Wakeley, and his mother, Hannah (Thompson) Wakeley, were natives of Litchfield county, Conn. His ancestors on both sides, for several generations, were New England people, the family tradition being that the Wakeleys were, remotely, of Welsh descent.



ELEAZER WAKELEY

They were good citizens, possessing the distinctive New England virtues of early times: intelligent, vigorous, honest, and trained to industry, thrift, and economy. Mr. Wakeley's father was noted for strong native sense, logical powers, sturdiness of character, and unyielding convictions of right and duty. He was an influential citizen wherever he lived; held positions of trust; was a delegate to the first constitutional convention of Wisconsin; and twice a member of the state legislature. On the mother's side there was a strain of gentle Puritan blood, with strong mental endowment. Her family, in the maternal line, were related collaterally to Jonathan Edwards, the eminent colonial divine and metaphysician; and refinement, culture, love of learning, and a strong memory were some of her own characteristics. To their children the father's ex-

ample and the uplifting influence of the mother were always a strong aid and incentive in the contests of life. Very soon after the birth of Eleazer, the family moved to Buffalo, in Erie county, then a small town of about 3,000 people. From that place, in 1826, they went to Boston township, in the southern part of the same county, settling on a new farm, in a hilly region, still rough and largely uncultivated; and a few years later the residence was changed to the small cross-roads hamlet of Boston Corners. In this environment, with its freedom of outdoor life and sport, Eleazer Wakeley passed his boyhood until nearly the age of fourteen years. The home through this period was the typical, unpretentious home of that time and country—the home neither of luxury nor want, but of frugality, contented labor, and reasonable comfort, self-supporting, and mainly self-supplying, where parental discipline prevailed and the free manners and social precocity so frequent in the child life of these days was unknown. The common schools of that time differed widely from their successors of to-day, their methods being simple, direct, and speedy as compared with the complex, dilatory, and involved methods in modern public schools. For several years, summer and winter, Eleazer was sent to one of these schools, kept in a rude wooden structure of the cheap, ordinary type of country schoolhouses, then and still a feature of pioneer life. Aptness as a young pupil and thoroughness of teaching made him quite proficient in the primary branches, and in correct spelling and grammatical construction, then deemed important in a common school education. Two terms in a private school gave him a beginning in more advanced studies, including algebra, for which and for mathematics generally he had an aptitude and strong liking.

In the spring of 1836 the family removed to Lorain county, in northern Ohio, settling near Elyria, the county seat and chief commercial town. There for the next few years the son had an American boy's average experience of rural life, with whatever advantages a prosperous, picturesque, new village had to offer. These included two years in the Elyria high school, under the instruction of Professor John P. Cowles, a scholar and linguist of repute and great learning. Among his principal studies there were Latin and the higher mathematics. This brought to an end a somewhat desultory school education, not rounded out, as it might have been under favoring circumstances, by a coveted collegiate course. During these years, also, as a frequent listener to legal contests in the Elyria court house, managed by members of a good local bar, and eminent lawyers from Cleveland and near-by counties, a growing confidence came to him that he might himself be able some time to try a lawsuit, and that work of that sort would prove a congenial pursuit. By the standard of that time and of earlier periods in this country, it meant more in reputation, and was a higher ambition to be a good lawyer than now; and law practice was less a mere business and money-seeking pursuit than in this intense commercial age. Finally, the floating plans of boyhood were resolved into a definite purpose to prepare for and follow the calling of the law. To this preparation he gave two and a half years of diligent and thorough study, mostly in the office of Joel Tiffany, subsequently the legal author and New York reporter—a strong trial lawyer and trained speaker and a man of much versatile ability. By this experience as a student and the methods of his preceptor he profited much, as he always thought, in his practice afterwards. Passing with credit the vigorous examination then required, he was admitted to the bar in Elyria, in Aug., 1844. There he entered upon an experimental practice, but soon formed the purpose of risking his fortunes somewhere in the great developing West. In the fall of 1845, however, he was the democratic candidate for the office of prosecuting attorney of Lorain county, which offered a few hundred dollars salary with incidental advantages; but he shared the defeat then, and since with rare exceptions, the fate of his party on the Ohio Western Reserve.

In November of that year he started for Wisconsin, then a territory, going by way of the Great Lakes as far as Milwaukee; and settled in Whitewater, Walworth county, a handsome village of about a thousand people, midway between Milwaukee and Madison, the capital, and in a fertile agricultural region already quite well settled. His legal capital, on arrival, consisted of one law book—Stephens on Pleading—a fair education, youthful confidence, and resolve. As this did not admit of watering, it was necessary to earn speedy dividends, and he entered at once on that attempt, soon securing his full share of such business and clientage as the locality afforded. His field of practice was in Walworth and adjoining counties, and incidentally in the supreme court. The litigation was of the character usual in such communities, less important and complex than in places of greater wealth and commercial busi-

ness. But his rule was, from the beginning, to give to all questions involved in his causes the full attention and research required by their character, regardless of the amount or the result involved. His practice there continued, without interruption, from 1846 until his removal to Nebraska in 1857. Of these eleven years it may be enough to say, briefly, that they brought a steady increase of reputation and business, as the country developed in population and wealth, although not fully satisfying a lawyer's ambition for larger opportunities in a broader field.

In the meantime he had made some incursions into local and state politics. His father was a democrat of the Jackson-Benton "sound money" type, from whose early teachings and aggressive advocacy the son became an ardent adherent to the same faith. In the intense campaigns from 1840 to 1844, in northern Ohio, he had heard orators and men of national fame—Thomas Corwin, William Allen, Thomas Ewing, Lewis Cass, Cassius M. Clay, Thomas L. Hamer, and others—addressing great gatherings in that always fertile political field. As a young man, he took part in the local campaign of 1844, when the democrats with the slogan of "Polk and Dallas, Texas and Oregon, Fifty-Four-Forty or Fight" regained, for a time, their national ascendancy. These influences, perhaps, had helped in forming an early conception—very common in this land—that the pursuit of politics and political distinction is a high prerogative of the American citizen. Later thought and experience brought the conviction that the lawyer's higher ambition lies in an effort to reach distinction in his own profession. In 1847 he was elected as a democrat, by the narrow plurality of eight votes, as one of the two members of the house of representatives from Walworth county in the last territorial legislature of Wisconsin. Taking an active part in its procedure, he was chairman of the committee appointed to draft the act providing for the convention which, in 1848, framed the constitution under which the state was admitted. With one exception he was the youngest member of that body, and is doubtless its sole survivor. In 1851 he was elected state senator from Walworth county for two years and was reelected in 1853. Through both terms he was recognized as an active and influential member; was on the judiciary and other important committees, and chairman of the committee on education and school lands. During his last year of service he was president *pro tem.* of the senate. As one of the state senators he was a member of the court of impeachment in 1853, for the trial of a circuit judge, prosecuted by Edward G. Ryan, afterwards chief justice of the supreme court of Wisconsin, whose summing up for the state was remarkable as a bitter and sustained philippic, the respondent being successfully defended by the eloquent Jonathan E. Arnold. He was also, for a time, one of the regents of the state university, but resigned the office.

In Jan., 1857, upon the recommendation of his old school friend, Bird B. Chapman, delegate in Congress from Nebraska, he received from President Pierce, and accepted the unsolicited appointment as associate justice of the supreme court of the territory of Nebraska, taking the place of James Bradley of Indiana, who had shortly before resigned. Fenner Ferguson, formerly of Michigan, was the chief justice assigned to the 1st, or Omaha district. Samuel W. Black of Pennsylvania, afterwards territorial governor, was appointed about the same time associate justice, and assigned to the 2d, or Nebraska City district. The 3d district, to which Judge Wakeley was assigned, comprised the organized counties of Washington, Burt, and Dakota, and all the unorganized counties and territory north and west of them. From the south line of Washington county extended, it stretched to the British possessions on the north, and reached from the Missouri river to the Rocky mountains, comprising an area of about 350,000 square miles, and constituting the largest judicial district in the United States.

Leaving his home in Apr., 1857, he started for Nebraska. After thirteen days by railroad and Missouri river steamboats, he arrived on Apr. 21 at Omaha, finding it scarcely yet emerged from the terrific winter of 1856–57. He found also an unprecedented condition of statutory law. The civil and criminal codes had been repealed by an act taking effect on Mar. 13, without a saving clause. A new civil code was enacted to take effect June 1, 1857, leaving the territory, in the interval, without a statute defining or punishing crime, and the courts without statutory rules or guides of practice. It was charged that this had been done to shield a prominent citizen from punishment for a felony committed under the repealed statute. Whether so intended or not, it had that result; and a judgment of conviction was reversed for that reason by the territorial supreme court. Fortunately, nothing important occurred to test the inherent power of courts to define and punish crime before a new criminal code was passed, a considerable time afterwards.

Early in May he proceeded to his district to hold the terms of court prescribed by statute. At first this seemed to the people somewhat of a novelty. Terms had previously been held irregularly, or, as a rule, not at all. For practical purposes the administration of justice was nearly suspended, and legal remedies held in abeyance. The new judge, accustomed to regular methods, entered at once on the active discharge of duty, holding the courts at the appointed times, and always clearing the dockets. In the temporary structures, and with the inadequate facilities usually at hand, he succeeded in administering the law in adherence to due form, precedent, and authority and in establishing order and regularity of procedure throughout the district. The result was a gradual increase in the extent and importance of litigation. The organic act provided for holding United States courts, so-called, meaning terms for the transaction of federal business proper, arising under the laws of the United States, civil and criminal, as distinguished from mere local business. The terms of this court were established in Dakota county, and held twice a year with grand juries and petit juries summoned specially therefor. Attorneys from Omaha and Sioux City usually took an active part in the litigation of the district. The United States district attorneys were, successively: Experience Estabrook, Robert A. Howard, and Leavitt L. Bowen; and George W. Doane, still a prominent member of the Douglas county bar, was, for most of the time, the territorial district attorney by election.

An important question as to the jurisdiction of the United States court over crimes committed on the Omaha Indian Reserve arose in the trial of Louis Neal for the killing of Tecumseh Fontenelle, a brother of the noted Chief Logan Fontenelle, in a quarrel at the Indian village. The jurisdiction was sustained and the prisoner convicted of manslaughter and sentenced to imprisonment for three years.

The old 3d judicial district, as then bounded and defined, has passed away. Its evolution illustrates, in a striking way, the marvelous development of the whole Trans-Missouri region within the half century past. Its belt of counties, organized and unorganized, along the Missouri river, with the fringe of scattered settlements back to the Elkhorn, have expanded into separate districts, with their busy courts, their increased population and their growing wealth, agricultural production and business interests. But more than that: out of its vast solitudes in the West and Northwest have sprung new American states, with their separate structures of government, and judicial and legislative systems—commonwealths great in their industrial resources, their farming wealth, their growing cities, and all the elements of state prosperity and state influence in the peerless republic of this time. In all this transformation, Nebraska, as a whole, has greatly shared, and all this has happened in the active manhood of those still living, who took part in the early work of developing northern Nebraska—a phenomenon in civic and social progress impossible in the future of this hemisphere.

During a portion of the time Judge Wakeley's residence was at De Soto, in Washington county, then a considerable town but since wholly vanished, going the way of many pioneer towns and "cities" of the early times At the general request of the bar and without dissent, he was reappointed for four years by President Buchanan, in Jan., 1861. On the advent of the new administration, a general change of territorial officers, including judges, being made, he was succeeded in May, 1861, by William F. Lockwood of Dakota county, who was reappointed in 1865 and held the office until the admission of the state. Anticipating this change, and preferring to resume his practice, Judge Wakeley had arranged to return to Wisconsin, and in the fall of that year he removed to Madison, forming a partnership with his brother, C. T. Wakeley, which continued until the fall of 1867. For a part of this time, William F. Vilas, then a young lawyer of much promise, afterwards in the Cleveland cabinet, and United States senator, was a member of the firm. During these years he had a varied and successful practice in the trial courts of Dane and other central counties, and in the supreme court, a very able tribunal of national repute. This experience, for six years, in competition with some of the strongest lawyers of the state, he has regarded as of great value in his professional life. In 1863 he was a candidate for attorney general on the democratic ticket, headed by Hon. Henry L. Palmer as candidate for governor, but shared the defeat of his party in that campaign. During the last year of his residence there in 1866–67, he represented the capital district in the legislature, rendering valuable service in general legislation, and in its large local interests. During this session an act was passed, with his active support, increasing the salary of judges of the supreme court. Being, for that reason, ineligible to the office, under a constitutional provision, he declined a nomination therefor by the joint convention of democratic members of the legislature.

He had left Nebraska during the depression and civil conflict of 1861, intending to return when conditions should become more settled and propitious. In the fall of 1867 he carried out this purpose by closing his business in Wisconsin and removing again to Omaha, where he has since continuously resided. Resuming practice there he acquired, with but little delay, a legal business to which his time and industry were devoted for the next sixteen years. This practice was of a wide and varied character in all the courts of Nebraska, state and federal, including many causes known to the profession as "leading cases." Among these may be mentioned cases involving the question of legal service upon managing agents of corporations, and other points of corporation law; questions of grading taxes; of the right to enter salt lands under the United States statutes; of the husband's right of curtesy in the wife's real estate; of the forfeiture of land grants to the U. P. R. R. Co. and to other corporations; of the liability of stockholders for corporate debts; the liability of sureties for the torts of officers; the right to levy upon property of a deceased person for taxes; and other questions of first importance in Nebraska courts.

From 1871 to 1878 he was assistant attorney of the U. P. R. R. Co. (with General Attorney Andrew J. Poppleton), having special charge of the Nebraska litigation, and making the arguments and briefs in many of its most important controversies. It is not thought necessary to speak in more detail of his practice in Nebraska, his work appearing in the reports and legal publications, and his characteristics as a lawyer being familiar to the courts and practitioners in the state.

In 1871, with his associates, Judge George B. Lake, James E. Boyd, Charles F. Manderson, Experience Estabrook, James M. Woolworth, Isaac S. Hascall, and John C. Myers, he was chosen, without opposition, a delegate from Douglas county to the constitutional convention of that year, and took an active part in the debates and work of framing the constitution, which was rejected upon submission to popular vote. In 1879, he consented to stand as the democratic nominee for judge of the supreme court against Judge Amasa Cobb, the successful republican candidate.

In Mar., 1883, at the general request of the bar, he was appointed by Governor Dawes a judge of the district court for the then 3d district, as associate of Judge James Neville. In the fall of that year they were both elected, without opposition, upon the joint recommendation of the political conventions. In 1887 Judge Wakeley was reelected upon an independent ticket, there being then four judges in the district, by a plurality of about 4,500. In 1891, the number having been increased to seven, party lines were sharply drawn, and as one of the nominees of the Democratic convention, he was defeated by a small plurality, the district having a republican majority of about 1,500.

At the end of this term he retired from the bench, but not to idleness, which the habits of a lifetime forbade. Resuming his practice without delay, he has given a large portion of his time since to important causes as counsel, and in trials and arguments in the state and federal courts, and finds himself not quite able yet, in his advanced years, to close it. In length and continuity of service he is thought to be the ranking lawyer of the state bar. Among the cases in his charge during this time may be mentioned those of the state against the bondsmen of Treasurer Hill, and those of Oil Inspector Hilton. In the former, as counsel for the state, he took the initiative in establishing the right of the supreme court to exercise its original jurisdiction conferred by the constitution, without a statute regulating or providing therefor. The cause was twice tried in that court to a jury specially impaneled therefor, and the precedent has been since followed except in the matter of jury trial.

Usually but little need be added to the mere summary of a lawyer's professional life. His work, except in rare cases, fails to evoke notoriety or public interest, and men "little note, nor long remember" what he says or does. But within the circle which he reaches—wide or narrow—he seldom fails to achieve such reputation as his work deserves; and of this there is no fairer or more accurate judgment than that of his own profession and of the judges before whom he moves and acts. To a sensitive lawyer overpraise is distasteful; and by this judgment he must and should be willing to abide. For fifty-seven years, excepting about thirteen while on the bench, Judge Wakeley's work was continuously that of the active trial lawyer, before courts and juries, in the more important class of controversies, and in rivalry with the leaders of the bars where he practiced. That these and others best fitted to judge have recognized him, in many ways, as entitled to a place in the advanced ranks of the profession, may be accepted as fixing his standing and merits as a lawyer. A prominent jurist in Omaha, who had known him well at the bar, said, in a published sketch: "It is conceded that there

is no more accurate legal mind in Nebraska than that of Judge Wakeley"; and he quoted with approval from another work: "As a jurist, Judge Wakeley is possessed of those qualities which are combined in the character of the model judge. . . . He is regarded as a leader in his profession, and specially fitted for the position of magistrate. His erudition, legal acumen, learning, fair and impartial tone of mind, and clear perception and love of right have served him so well on the bench that he is universally spoken of as the 'just judge.'"

On his retirement from the bench, in Jan., 1902, the bar of Douglas county, representing a very large membership, said of him in a presentation address: "Prior to assuming his judicial duties, he enjoyed the high distinction of standing at the head of his profession in this state, his advice being sought by many and varied interests, and to which he gave the most assiduous attention and high legal learning. Upon the bench he has displayed the same qualities. . . . His advice has always been sought upon complicated questions by his associates, and his judgment by the profession respected."

In May, 1854, he was married, at Whitewater, to Miss Comstock, a descendant in direct line from Lewis Morris, signer of the Declaration of Independence, and a niece of J. Fenimore Cooper. Almost fifty years of happy union have followed; and three sons and two daughters of the marriage are living: Arthur C., the eldest son, being a practicing lawyer in Omaha; Bird C., a skilled stenographer; and Lucius W., general passenger agent of the B. & M. R. R. R. at Omaha; William C., the youngest, having died, while city clerk of Omaha, in 1894.

Though not, in mature life, an active politician, Judge Wakeley has been a steadfast democrat, but refused to support the nominees of the party in 1896 and 1900 because of the "free silver," and what he deemed other heresies of the national platforms. He has been, for many years, a member of Trinity Cathedral church of Omaha, and for most of that period one of its vestrymen or wardens.

WARNER, ESTHER L., deceased, Roca, Neb., was born on a farm in Talmage, O., in the Western Reserve, June 16, 1820, and was the daughter of Ira and Chary (Beach) Carter. Her parents were both of the intellectual type, and she seems to have inherited from her mother her strong interest in political questions. She received a good education, and was always a book lover, finding especial delight through all her busy life in the fine old-fashioned art of reading aloud. At the age of eighteen she married William Griswold, a merchant, who died four years later. In 1844 she was married to Amos Warner, M.D., and in a few years went with him to Elkader, Ia., where Dr. Warner gained a high place in his profession. He was killed in a runaway in 1861, and Mrs. Warner was left with four children, three under thirteen years. In 1863 she made a journey to Nebraska with her brother and her young son, Amos, who was in delicate health. Pleased with the country, she entered a homestead, and the next year, with her brother, her three youngest children, and several nephews, she took slow passage for the West in a "prairie schooner," and began the hard task of making a home twelve miles southeast of Lancaster, now Lincoln. The party was a large one to be sheltered in a little 14 x 14 shanty, with the useful "lean-to"; but they managed there until the completion of a log cabin near the spot where Mrs. Warner later built her stone house. Though Mrs. Warner did not herself plow the fields, her management of the farm work and of the household was no slight task. In 1888, when, after twenty years of life as a farmer, she addressed the International Council of Women at Washington on "Women as Farmers," she admitted that the early years were full of hard experiences, but added with characteristic cheerfulness: "We succeeded in raising as many chickens to the acre as our neighbors. When the drouth killed our trees we planted more; grasshoppers came and we were short on pickles, but we never sent east for help and we did n't eat grasshoppers either." A superb physical endowment enabled Mrs. Warner to endure the pioneer hardships, and her mental and spiritual forces knew no weakness. Yet she looked often in the face of failure. It many times seemed that she must lose the hard-earned home; and it required all her courage, sustained by the determination of her equally brave children, to enable her to keep a place in the ranks of the undefeated. Even in the hardest years Mrs. Warner kept in close touch with the world of thought. On her table were to be found good books and the best current magazines, the New York *Independent* and the New York *Tribune*, the *Atlantic Monthly*, Harper's various publications, and the *Youth's Companion*. These were school and college to her children. She insisted on the full use of these home study courses, for she never forgot that, "'T is the mind that makes the body rich." She took a deep interest in all

Esther L. Warner.

educational matters. When the village of Roca was located half a mile south of her stone house Mrs. Warner was a member of the district school board, and she held that office at different times during the rest of her life. She was also active in church and Sunday school work, in the Woman's Christian Temperance Union and other temperance movements. Mrs. Warner's chief interest outside her home and children was in the cause of woman suffrage. She became actively interested in this cause in 1870. At that time Mrs. Warner subscribed for the *Woman's Journal,* and became one of the makers of the history of the movement for equal suffrage in Nebraska. She was one of the most effective workers in the suffrage campaign of 1882, speaking in various parts of the state and organizing suffrage societies in some places. In the History of Woman Suffrage her work is spoken of in the highest terms. "Her motherly face and persuasive but humorous argument made her a favorite at conventions." The characteristic vigor and terseness of Mrs. Warner's style, her unanswerable logic, with the spice of humor and, through all, her intense, dignified womanliness, are well shown in the address to the legislature of 1891, which she was chosen to write. Some extracts from this address will speak for her: "The irrepressible conflict between cooking and voting is a profound mystery to us. Why digging potatoes is not as incompatible with political liberty as boiling them is not apparent to the feminine intellect. The raising of wheat and the making of bread do not seem to be employments so diverse as to relegate the operators in those industries to different 'spheres.' . . . The writer has been a resident of this state for more than a quarter of a century, and is one of a multitude of tax-paying women who keenly feel the ignominy of submission to tyranny. She is also one of a still larger multitude who wish to be regarded as a part of the human family, and entitled to stand side by side with husbands, brothers, and sons in all the affairs of life, not 'told off' for some special purposes in a limited sphere. . . . The mother element is needed to cooperate in the management of public affairs, and the housekeeping genius of women might be utilized to great advantage in conducting the business of a municipality. Men and women are made to work together, and the one-sided character of our institutions is responsible for much that is amiss. . . . There seems to be an impression having strong hold on many minds that when women have political liberty they will desert their homes and rush around the streets trying to make up lost time by voting perpetually. Men and brethren, do n't worry. Womanhood is not a product of legislation and can not be abolished by law—we shall take care of our babies though the heavens fall." Mrs. Warner was the mother of nine children, though only four of them lived to maturity, and only two, Haskell Warner and Dr. Emma Warner Demaree, both of Roca, Neb., survive her. Her eldest daughter, Estella Griswold Galey, who was teacher of the first school in Lincoln, died in 1873. Her youngest son, Dr. Amos G. Warner, who had already gained a high place among students of sociology and was professor of applied economics in Leland Stanford university, died in 1900, at the age of thirty-eight. Mrs. Warner died Oct. 16, 1901.

WEHN, JOHN WILLIAM, pioneer editor, now residing at Alliance, Neb., was born in Johnstown, Pa., Aug. 24, 1849, son of John W. and Maria Dorothy (Plitt) Wehn, the former a merchant by occupation, who died at the age of eighty-nine years, and the latter, as also her husband, a native of Germany, both coming to America while young. John W Wehn received his early education in the schools of Johnstown, and a business training in a commercial college at Pittsburg, Pa. When he was a little more than fifteen years of age he enlisted as a private in Co. G, 192d Regt. Pa. Vol., and served from Feb. 4, 1865, to the close of the war. In Nov., 1867, and on Thanksgiving Day, he crossed the Missouri river into Nebraska, and soon after settled at Beatrice. In the spring of 1874 at De Witt, Saline county, he established the *Opposition,* the first democratic newspaper printed in Nebraska south of the Platte river, and west of the Missouri river towns. In the spring of 1875 he moved the paper to Wilber and successfully conducted it until 1889, when he sold his printing plant and ceased publication of the paper. The material used in its publication was removed to Crete, and was utilized in the publication of a "populistic extravaganza." In 1894 Mr. Wehn was appointed by President Cleveland register of the United States land office at Alliance, and filled the office until 1898. He still continues his residence in Alliance, where he has large property and financial interests. He is a member of the Masonic order, belonging to Blue Valley Lodge No. 64, A. F. & A. M., and Palmer Chapter No. 31, both of Wilber, Neb., and is a member of Mount Hermon commandery of Beatrice, and Sesostris Temple,

A. A. O. N. M. S. of Lincoln, Neb. He is a past master of Blue Valley lodge. He was married Jan. 1, 1870, to Mary Elizabeth Kinzie, and is the father of five children, three of whom are living: Lillian May, John Herbert, and James Garland Wehn.

WELCH, JONAS, Columbus, Neb., was born in Dorsetshire, Eng., Aug. 22, 1840, the first son of a family of seven children. His father, Moses Welch, a native of the same city, was born in 1815, and was a blacksmith in moderate financial circumstances. His mother, Harriet Rawlings, also a native of Dorsetshire, was born in 1818. As far back as the written records of the family extend, the ancestry of both branches had lived in that part of England. When Jonas Welch was seven years of age he came with his parents to America. They landed at New Orleans in the fall of 1847, after an ocean voyage of eight weeks and three days. They went on to St. Louis, and after a residence there of two years moved to Alton, Ill., and four years later to a farm near Brighton, Ill., where Jonas acquired his education in the common schools. In Mar., 1857, the family started for Nebraska, taking the overland trail with three yoke of oxen. They arrived in Florence, Neb., Apr. 24 of the same year. After a period of rest in that important pioneer place, they went on to Genoa, in Platte (now Nance) county and settled there May 19, 1857, among the first white settlers in the county. For the first two years following his arrival at Genoa Jonas Welch was engaged in breaking prairie for the settlers, and was then employed for one year as a farm hand at the Pawnee Indian agency. In 1860 he went with others to the mountains in Colorado, in search of gold, but returned the same year and reentered the service of the government at Genoa, and for four years was employed in the government blacksmith shop and four years as government miller. In 1869 he left this service and preempted land on Looking Glass creek in Monroe township. About that time he formed a partnership with J. P. Becker and engaged in the milling business on Shell creek, Colfax county, the firm being Becker & Welch. They operated the pioneer grist mill of central Nebraska and drew a large trade many miles from every direction. At the same time Mr. Welch operated a farm of 320 acres, and engaged extensively in feeding cattle and hogs. Their mill was operated by water power. This business they continued until 1886, when they sold the mill, and Mr. Welch moved to Columbus. The firm of Becker & Welch continued until 1892 in the grain and coal business, when Mr. Becker died. Mr. Welch has been a life-long democrat. While living at Shell Creek he served as postmaster and was for many years a member of the school board. He was also for a number of years a member of the board of county supervisors of Platte county, has frequently represented his ward in the Columbus city council, and has served as a member of the board of education of that city. He was a candidate for the legislature in 1876, but was defeated by N. W. Wells, a Colfax county candidate. He represented the 3d district as a delegate to the national Democratic convention at Kansas City in 1900, and was selected on the notification committee to advise the vice-president of his nomination at Indianapolis, Ind., in Sept., 1900. He has been one of the directors of the Commercial National bank of Columbus since its organization, and is now president of the Columbus Sewer Co. He has been a member of the Masonic order for many years, and belongs to Wildey Lodge, I. O. O. F. Mr. Welch was married on Christmas Day, 1862, at Genoa, Neb., to Miss Margaret Shackelton, who is also a native of England. Nine children have been born to them, of whom seven are living: Terresa Ellen, William J., Henrietta, Caroline E., Martha A., Charles A., and Robert M. Mr. Welch's parents both died at Shell Creek, the father in 1890 and the mother in 1886, and they were buried in the beautiful Lutheran cemetery on Shell creek in Platte county. Mr. Welch has retired from all active business and is looking after his land and bank interests, which takes the most of his time, as he now owns about 1,900 acres of productive Nebraska land besides having an interest in the stock on his farms. He came to Nebraska forty-seven years ago a poor boy and what he now has is all the reward of his own labor and industry.

WHITE, CHARLES CLARKE, philanthropist, and for many years the head of an important milling industry at Crete, Neb., was born in Sylvania, O., Feb. 24, 1843, and died in Crete, Neb., Sept. 20, 1895. Of his remote ancestry little is known. His grandfather, General White, served in the Continental army during the War of 1812, and his father, Joseph C. White, and his mother, Cornelia Scott White, were born in New York state, and in early days became residents of Ohio. Charles Clarke White acquired his education in the common schools and at an academy which he attended until he was eighteen years

C. C. White.

of age. He was ambitious to become a teacher, but the Civil war interrupted his plans, and he enlisted in the 9th Ill. Cav., and served for three years. During seven months of his military life he was a prisoner in Libby prison and at Belle Isle. After his honorable discharge from the army, he settled at Raymond, Lancaster county, Neb., where he engaged in farming, providing in the meantime for his widowed mother and sisters, until 1873, when he was elected treasurer of Lancaster county, and removed to Lincoln. He served as treasurer for two terms, and maintained his residence at Lincoln until 1878, when he removed to Valparaiso, where he resided until 1888. In 1880 he was elected to the state senate. The same year he was selected as a delegate to the general conference of the Methodist Episcopal church at Cincinnati. In 1888 he removed to Crete, Neb., and there became the head of the chief flouring mill of the state, which he very successfully conducted. He died in 1895 after a brief illness, and was buried in Wyuka cemetery at Lincoln, the funeral taking place from St. Paul church in that city, where the Nebraska annual conference of the Methodist Episcopal church, to which he had been chosen a delegate, was in session. This conference, the societies to which Mr. White belonged, and the students and faculty of the Wesleyan university took part in the funeral. Soon after Mr. White's death a small memorial volume was published by Rev. Isaac Crooks, containing a sketch of his life and character from which the following is taken:

"At home he was class leader, president of the church board of trustees, leader of the choir, Sunday school superintendent, president of the Young Men's Christian Association, and president of the board of education. He had been president of the State Millers' association; was at his death president of the Veterans of the 9th Ill. Cav., member of the board of the Central State Sunday School convention, president of the Crete Chautauqua assembly, and president of the board of trustees of the Nebraska Wesleyan University. He attended to these several duties cheerfully and systematically, without neglect of private business or domestic life.

"But this officialism was not based on personal ambition. He was not an office seeker, nor did he retreat from the confidence implied in a proffered trust. . . . His modest readiness to serve was based on a comprehensive brotherhood. He was a Woodman, a Mason, an Odd Fellow, a Union soldier generous to Confederates, a party man appreciating the best in the opposition and open to new and better views. He was a Methodist theoretically and practically, but many of his sweetest, most sacred fellowships were in the churches differing from his own most radically. His love was too large for denominational fences. His correspondence and the letters of sympathy written after his death reveal a widespread feeling of esteem, amounting, as one says, 'to a sentiment akin to reverence.' These tribute-bearing letters are from clergymen, educators, lawyers, physicians, merchants, millers, grain dealers, and pastors of congregations in and out of his state, from east and west, north and south. But the most significant of all come from the unfortunate. For example, he would say: 'I must at least go and shake hands with the people in that prairie schooner and speak an encouraging word.' Or when a transient hired man would be overcome with drink, he would try the man again, saying: 'Were I in his place I might have done no better.' One such man was under his care when he died; and a poor Bohemian woman, on hearing of his death, sat down in the street crying, as she said, 'I've lost the best friend I had in the world.' One closest to him in his office says, 'There was scarcely a day without his giving relief privately.' Another of his greatest admirers, a business partner, confesses to being often tried by the belief that 'Mr. White was imposed upon by charity seekers.'"

His generosity and solicitude for others are exemplified in an incident in his life as a prisoner of war at Belle Isle. He was selected as a clerk for the distribution of the allotted rations among his fellow prisoners, and on account of this service was favored with a double allowance for himself. Although it was insufficient to satisfy his own wants, he so keenly felt the sufferings of those around him that he shared with them, and being detected by the prison authorities, he lost his own extra ration.

He was particularly zealous in the advancement of education, and was himself a diligent reader and kept in touch with the best in literature. During his pioneer days in Nebraska, after his marriage, he lived with his bride in a home which he had erected with great labor. Many of his neighbors had children for whom there were no schools that were accessible. Mr. White secured a few slabs from a portable sawmill, cut holes in them and drove in pegs for legs. These rough benches were placed in one of the rooms of his simple home, into which he collected the children of his neighbors, and his wife taught

them. Later, when he had become wealthy, he gave of his means freely and voluntarily to aid many young men and women to acquire the education they coveted.

Mr. White was one of the stanchest friends of the Nebraska Wesleyan University, and was for many years a member of its board of trustees. For about twenty-three years he was a member of the Methodist church. In politics he was always a republican.

He was married on Jan. 19, 1868, to Miss Olive A. Johnson of Valparaiso, Neb., whose parents, Andrew and Mary A. (Litle) Johnson, came from Wisconsin in 1866 and settled in Valparaiso, where Mrs. White for a time taught school. She cooperated with her husband in his numerous works of benevolence and charity. Six children were born to them, five of whom are living: Jessie C., wife of F. B. Ryons, Homesville, Neb.; Leona C., wife of D. R. Hopkins, Chicago; Grace C., wife of H. C. Allan, Chicago; Lillian and Carol C., who reside at home with their widowed mother in Evanston, Ill. The first born, a son, died in infancy.

WHITFIELD, NEDOM BRYANT, of Peru, Neb., was born in Whitford, Jones county, N. C., July 15, 1822. He is a son of Charles Whitfield, who was a soldier in the War of 1812, and a son of Bryant Whitfield, who served under Washington in the Revolutionary army. Charles Whitfield at the close of the last war with England became a plantation and slave owner in the South. He was a man of education and a leader among men. In 1823 he organized a colony in North Carolina, about thirty families, and settled with them in what was later formed into Marion county, Ill. This section was at that time a wilderness, with few white settlers, and while his companions were clearing away the timber, building cabins, and making other necessary improvements, he established and taught a school, one of the first if not the first in that section of Illinois. At his death his family became separated, and Nedom, the youngest, was sent to Vandalia, Ill., to be cared for by an aunt. For several years he was her ward, and then on account of some grievance he ran away and drifted to St. Louis, where he grew to manhood. He became a private in Co. A, 3d Regt. Ill. Vol., which served in the Vera Cruz campaign under General Scott, and with him entered the city of Mexico. At the close of the war he returned to St. Louis, and for some years was employed as a watchman on a ferryboat. Early in the '50s he went to Bureau county, Ill., and engaged in farming, and remained there until 1867, when he moved to Nebraska and settled on a farm near Peru. May 14, 1858, he was married to Margaret McKinney, and they have reared a family of three children: William M., merchant in Peru; Henry H., for a number of years postmaster of Peru; and Hester, the wife of W. E. Shriner, a well-known conductor of the B. & M. R. R. R. Mr. and Mrs. Whitfield are members of the Methodist Episcopal church. Both are living in Peru, to which place Mr. Whitfield retired some years ago from his fruit farm.

WILTSE, CHAUNCEY, Nebraska pioneer, surveyor, journalist, lawyer, and banker, was born in Tompkins county, N. Y., Apr. 28, 1834, and died in Fullerton, Neb., Dec. 11, 1894. He was a son of James Wiltse and Nancy Livingston, the former a well-to-do farmer and the latter, born in Newbern, N. C., a member of the famous Livingston family of Livingston Manor, N. Y., of which numerous members became prominent in affairs of the Nation. He acquired his early education in the public school at Homer, in his native state, and later was graduated from the Platteville (Wis.) academy, where he won the first prize for extemporaneous declamation. In the early '50s he settled in Omaha, but soon went to the Pikes Peak gold fields. Not meeting with good fortune, he abandoned his "claim," went to Denver, and obtained employment as a reporter on the Rocky Mountain *News*. About a year later he returned to the East, and became assistant to his brother, Henry A. Wiltse, then surveyor general for Iowa and Nebraska. During the Civil war he enlisted at Dubuque, Ia., in Co. A, 44th Regt. Ia. Vol. Inf., and served until the war ended. He then resumed his work in the surveyor general's office at Dubuque, and remained there until, in 1867, it was removed to Plattsmouth, Neb., under Surveyor General P. W. Hitchcock. He was then chief clerk of the office. During his connection with the surveyor-general's office, and afterward, he studied civil engineering and surveying, and law, also, and was admitted to the Nebraska bar. In 1874 he surveyed the north boundary line of Nebraska, and his field notes of that survey have since been used as a text-book in Rensselaer Polytechnic Institute at Troy, N. Y. In 1875 he became the editor of the Omaha *Republican*, and held this position for more than a year, resigning to accept a position as judge at the Centennial Exposition in Philadelphia. In 1881 he was one of the organizers of the Nance County bank, at Fullerton, Neb., and in 1883, when that institution received a charter as the First National bank,

he became its president, and changed his residence from Omaha to Fullerton, where he resided until his death. Mr. Wiltse was always an active member of the Republican party, though he never held an elective office. He was a member of the G. A. R., and served as post commander of the Fullerton, and also the Grand Island posts. He was a member of the Pythian order, and the National Bankers' association. He was married Sept. 18, 1867, to Augusta C. Strong, daughter of Edwin F. Strong, of Magee, N. Y., and was the father of one child, Chauncy Livingston Wiltse.

WOOD, ARTHUR P., of Omaha, has been engaged as a civil engineer in railroad service and as a railroad construction contractor for nearly forty years, and has surveyed or put down track in Nebraska, Iowa, Kansas, Colorado, Wyoming, and California. Mr. Wood was born near Flushing, Belmont county, O., Jan. 24, 1837. He is a descendant, through the families of both his father and mother, from Quaker stock. The paternal progenitors came from England shortly after William Penn concluded his historic treaty with the Indians, and settled in Pennsylvania. They belonged at that time to the Church of England, but became Friends soon afterwards, and a large number of their descendants have clung to that sect. Mr. Wood's father was Lewis Wood, who in early life was a school teacher and afterwards a farmer in comfortable circumstances, owning a farm of about 200 acres of well-improved land in eastern Ohio. He was a Quaker and an ardent abolitionist, and his home was one of the stations on the "underground railroad" of that day. It was one of the well-patronized stations in that section and he was ever ready to give shelter and assistance to fugitive slaves. In the latter years of his life he was an ultra prohibitionist. Susanna Van Pelt, the mother of Arthur P. Wood, was descended from a Dutch family, though she was herself American born, and as far as the family records show her father was also. The American branch of the family adhered to the Friends' gentle faith.

Arthur P. Wood was educated in the Friends' school near the town of his birth and the boarding schools established by the Quakers near Mount Pleasant, O., and Richmond, Ind., finishing at the University of Michigan, from which he was graduated as a civil engineer with the class of 1866. His chief distinction in college life was that he was president of his literary society for one year. He earned his first money teaching school in Ohio, receiving $28 a month for four months' service, a compensation which, to the rural youth of that age, seemed like a fortune.

Immediately after finishing at the University of Michigan Mr. Wood journeyed west by way of St. Louis and Leavenworth, and up the Missouri river on a steamboat to Omaha, where he landed in the evening of July 17, 1866. When he put up at the old Douglas House he had just $2.15 in his treasury, which jingled somewhat discouragingly against the recollection that he owed $800 for means borrowed with which to secure his education. He was full of hope and energy, however, and bright and early the morning following his arrival he applied to Samuel B. Reed, then superintendent of construction of the U. P. R. R., for a position in the civil engineering service, or anything in that line that was to be done. Mr. Reed gave him a position, and the pay of a rod-man, and sent him to the terminus of the line for active duty. The U. P. R. R. had then reached Lone Tree, now Central City, Neb. There Mr. Wood reported to H. Bissell, engineer in charge of the work at the front, with whom he remained until the track reached a point some fifteen miles west of North Platte. In December of that year the construction force went into winter quarters at North Platte. Mr. Wood's work while with Mr. Bissell was running the center line for the track layers. When work closed for the winter Mr. Wood went to Omaha and assisted in the work of sounding the Missouri river for a location for a bridge. For the construction season of 1867 he was promoted to the position of assistant engineer, and given charge of the construction of the machine shops at North Platte. In the spring of 1868 he was advanced to the post of division engineer and given charge of the construction of shops and buildings, which position he held until the summer of 1869, the road having then been completed. During the early fall of that year he assisted in making a survey for a railroad from Nebraska City to Beatrice, under the direction of Dr. Converse, but the road was never built. Immediately afterwards he became associated with J. E. House, then chief engineer of the O. & N. W. R. R., as assistant engineer, and assisted in making the surveys over a considerable portion of northeastern Nebraska, and building the line, now a part of the C., St. P., M. & O. R. R., as far as the town of Herman. He remained with the O. & N. W. Co. until the summer of 1872, when he accepted an offer of a similar position with the Tex. & Pac.

R. R. He later resigned and took grading contracts on this road, but lost heavily through the subsequent failure of Jay Cook and the collapse of the Texas and Pacific project. He then engaged in contracting on the North Pacific Coast R. R. in California in partnership with W. H. Martin. Having completed that work, Mr. Wood returned to Omaha in the spring of 1877, where he has since resided.

Soon after his return he took a contract, at the suggestion of the late S. H. H. Clark, then general superintendent of the U. P. R. R., to lay the track on the O. & R. V. R. R. from Wahoo to the west line of Saunders county, and the following year he built that part of the same road between David City and the west line of Butler county. In the spring of 1879 Mr. Wood was appointed chief engineer of the O., N. & B. H. R. R., made the surveys, and built the line from Duncan, a station about seven miles west of Columbus, to Norfolk, Neb., and a part of the same road between the present station of Oconee to the town of Albion, Boone county. He also had charge of the location and construction of the railroad from Grand Island to St. Paul, Neb., and that branch of the O. & R. V. road from Valparaiso to Lincoln.

In 1880, when Mr. Blickensderfer became chief engineer of the U. P. R. R., Mr. Wood resigned his position to reenter the field as a contractor, in which he has since remained, most of the time actively engaged in his calling. In 1881 he formed a partnership with George F. Bancroft, under the firm name of Wood & Bancroft. This association has continued ever since, the firm operating chiefly in Nebraska, Colorado, Kansas, Oklahoma, and Wyoming. For the past seventeen years Mr. Wood has been associated with Mr. Bancroft in stock raising, having a ranch near Madison, Neb., where they breed Hereford stock and also feed beef cattle. Mr. Wood has always been a republican, an ardent protectionist, and an advocate of the gold standard of money. He has never sought political preferment, finding a field of greater usefulness and profit in his chosen profession, and has never therefore held public office. His social inclinations have never led him into any of the many clubs in which men of action usually delight. He is a member of the Presbyterian church. On Feb. 28, 1872, Mr. Wood was married to Miss Euphemia Righter of Mauch Chunk, Pa., daughter of Dr. William W. and Jane F. Righter of that city. They have two children: William Righter, born Oct. 17, 1875, and Mary Lewis, born June 2, 1881.

WOOLSEY, EDMUND E., Nebraska pioneer, farmer, and capitalist of Wyoming precinct, Otoe county, was born in Ulster county, N. Y., Mar. 16, 1834. He is of one of the old New York state families which for some generations have been prominent in the Hudson river valley. His father was Elijah Woolsey, and his mother, Ruth Hawkins Woolsey, was a daughter of Jonathan Hawkins, of Orange county, N. Y., a soldier in the War of 1812. Both branches of the family are of English origin, and far back in colonial times established themselves in America. Like most of the sons of well-to-do farmers of the Hudson valley, Edmund E. Woolsey had a liberal common school education, and was brought up in a way to develop the utmost self-reliance. His home was in the southern part of the Catskill mountain region, where the best of the farms were difficult to work. While his father was a man of industrious habits, and always in good circumstances, Edmund, when he reached manhood, was inclined to seek a broader field than the long cultivated hills and valleys of his childhood home afforded. He consequently turned his attention and his footsteps toward the West, and in May, 1857, crossed the Missouri river and looked about for a place to make a home in Nebraska. He selected a tract of land in Cass county, near Rock Bluffs, and to satisfy himself that the country was what he desired, he rented and cultivated an adjoining tract. His success was far beyond his expectations, and he then preempted a quarter-section, and soon after acquired by purchase another tract, half a section, the north half of sec. 34, which he improved and cultivated until 1876, when he sold it for $10,000. He then became a resident of Otoe county, where he improved the land in Wyoming precinct that he had purchased some years before, and established the home, now so well known as Prairie Home. He has since then gradually acquired lands in other parts of the county, until at the present time he is the owner of more than 2,000 acres, all of which is excellent agricultural land, and most of it has been under cultivation many years. In addition to diversified farming, he has given particular attention to the raising of finer grade cattle, making a specialty of Durhams, and to the breeding of Poland-China swine and Hambletonian horses. In his stock-growing enterprises he has met with extraordinary success. His home place is one of the model farms of the county—well provided with orchards, fine buildings, and abundance of shade trees and shrubbery. For some years Mr. Woolsey has taken little

heed of the world's cares, and has lived in the enjoyment of the result of his early labors. He is a great student, devoted to literature and general reading, and has a well-stocked library. On Dec. 9, 1867, he was married to Helen M., the daughter of Albert and Harriet (Gallup) Tuxbury, Nebraska pioneers. Mrs. Woolsey, who was born near Windsor, Vt., Apr. 15, 1838, received a thorough education in the public schools and in the Misses Stone's school at Greenfield, Mass. She is a woman of estimable character, and a devout member of the Episcopal church. She is the mother of five children, three of whom are living: Fred Albert, born Oct. 4, 1868; Lewis Elijah, born Feb. 20, 1871, died Aug. 11, 1874; Charles Barnum, born Apr. 26, 1873, died Mar. 7, 1884; Ida Marguerite, born Dec. 30, 1875; and Harriet, born July 17, 1878. All the living children have had the advantages of liberal schooling in the best educational institutions of the state. The daughters, Ida Marguerite and Harriet, have taken a three-years course at Saint Katherine's Hall, Davenport, Ia.

WOOLWORTH, JAMES M.—Woolworth is an old English name. Traces of it are found a century ago. There is a church in Wales, dedicated to St. Mary Woolworth, which is hundreds of years old, but no records remain of the woman in whose honor it was built. There is a circumstance which shows that the name must at one time have been of consequence. There was another old church in London with the same name, but it has been taken down, as have many others in the great city. If the two were dedicated to the same saint, she must have been of very wide repute; and if they were in honor of two persons, the name must have been widely spread in those early days.

The family has almost died out in England; only a very few bearing the name are now living. The name was brought to this country by Richard Woolworth who emigrated to Massachusetts about 1650. His descendants spread into different towns of that state and of Connecticut. The grandfather of James M. Woolworth, named Aaron, was a Presbyterian minister at Bridgehampton on Long Island. He graduated at Yale college in 1793 and received his D.D. from Princeton in 1812. His two diplomas are now in the possession of his grandson, who is the subject of this sketch. Dr. Woolworth was a man of eminence among the clergy of his denomination. He married Mary, a daughter of the Rev. Samuel Buel, D.D., who was also a minister of the same faith, and settled at Sag Harbor. When, in the Revolutionary war, Washington was on Long Island, Dr. Buel was attached to him as chaplain. Samuel Buel Woolworth was the second son of this union. He graduated from Hamilton college in New York in 1822, which institution conferred upon him the degree of LL.D. His life was devoted to the cause of education. For twenty-two years he was principal of Cortland academy at Homer in New York. While he was at the head of it it was extensively patronized by families in the central part of the state. His large acquaintance and good judgment of character enabled him to bring around him assistants who helped him to make the school one of the best in the state. He left the academy to become principal of the State Normal school at Albany, at that time the only institution of the kind in the state. He raised it to a high rank, inspiring its students with an enthusiasm which was a part of himself.

After a few years' service here, he was made secretary of the regents of the University of the State of New York. The university is not an institution of active instruction, but has visitorial powers over all the colleges, academies, and high schools of the state, and also the administration of the educational funds, the income of which is distributed among those schools. The secretary is the active executive officer of the board. Dr. Woolworth extended its activities and made more efficient its administration. His services in these lines were of great value.

James M. Woolworth was the second son of Dr. Woolworth. His mother was Sophia Mickles who came of an old Dutch family. She was a woman of great refinement, culture, and beauty.

The son entered Hamilton college, from which he was graduated in the class of '49. For two years he was a teacher of Latin, Greek, and English in Cortland academy. He had under his instruction in that institution an average of one hundred pupils, most of whom were preparing for college. He inspired his pupils with enthusiasm for learning and it has been one of the pleasures of his life, to meet from time to time those who were under his instruction, and who attributed their love of literature and the beauties of ancient and English authors to their study with him.

Upon leaving the academy, he entered upon the study of law in Albany, and in the spring of 1854 was graduated from the law school in that city. He then began the practice of his profession in Syracuse.

Suffering from ill health, his attention was directed to the West, where he hoped a dry and exhilarating climate would be more favorable to him. He was admitted to the bar of Nebraska in Oct., 1856, and entered upon the practice of his profession.

The first city solicitor of Omaha resigned his office early in his term, and Mr. Woolworth was appointed to his place. During his term several interesting questions arose, and he engaged in the controversies relating to them with great vigor; one of them was the completion of the territorial capitol, work upon which was suspended because the appropriation by Congress had been exhausted. Funds to carry on the work were raised by the issue of what was known as city scrip, being paper engraved in the form of bank bills and issued by the city. He encountered another question: Having conducted the proceedings in the land department of the government for the entry of the town site under the municipal preemption law of Congress, and having secured the entry by Jesse Lowe, the first mayor, in trust for the owners and occupants of lots in the town site, the question was raised whether the entry was valid, because in the name of the mayor instead of the other corporate authorities of the city. Mr. Lowe's successor succeeded in procuring permission to reenter the town site in the name of the mayor and city council, and proceeded to make deeds to the owners and occupants of the town site, most of whom had already received conveyances from the first mayor. Notwithstanding this, patents were issued to Mayor Lowe, and titles to the lots are traced from him.

There was not a great deal of legal business in the town or territory at that time, and Mr. Woolworth devoted himself to the mastery of the laws of the public lands, anticipating that the time would come when very important litigations and many interesting questions would arise under them. He formed very decided opinions, which were not generally accepted by the profession; but after a time the controversies which he anticipated arose, and he was engaged in many of them. One of the questions which presented itself at the outset of these controversies was whether the decisions of the land office were conclusive and could not be reagitated in the courts.

The first case which the Hon. Samuel F. Miller, Judge of the Supreme Court of the United States, assigned to this circuit, heard in Omaha, was known as Root v. Shields, reported in 1 Woolworth, and the question stated above first came up for decision in that case. Judge Miller stated that it was new to him, and called for full argument upon it. Mr. Woolworth presented his views and secured the favorable opinion of that great judge. About the same time, Mr. Woolworth brought several bills in equity in the state and federal courts involving questions arising upon the laws of the public lands, among which were Sampson v. Smiley and Johnson v. Towsley which were carried to the Supreme Court of the United States, where they were argued by the distinguished lawyer, Lyman Trumble, then a senator in Congress, for the appellant, and by Mr. Woolworth for the appellee. These cases will be found reported in 13 Wallace. They were of the first importance and attracted much attention.

Mr. Woolworth was admitted to the bar of the Supreme Court of the United States in 1862, when he argued the case of Nebraska City v. Campbell, reported in 2 Black, 590. It was the first one carried to that court from the supreme court of the territory. From that time for very many years he attended almost every term of the Court in Washington to argue causes, most of which involved novel and interesting questions.

A circumstance may be stated to illustrate the character of these engagements. One day after the Court had risen, several members of the bar and two or three of the judges met in the clerk's office. Mr. Justice Bradley saluted Mr. Woolworth and said to him, "What nuts have you brought to us now to crack?" To which the answer was, "Oh, Mr. Justice Bradley, I never have anything for the Court but easy cases." The Judge, turning to another judge, said, "Brother Miller, when Mr. Woolworth comes before us, do we not all know that something new and interesting is to be put to us?" Mr. Justice Miller said many times that no lawyer commanded the attention and aroused the interest of the Court more than Mr. Woolworth, and none succeeded more frequently in persuading the judges that he was right.

In the lower courts, Mr. Woolworth's engagements called him into the United States circuit court for northern Illinois, for Iowa, Kansas, and both districts of Missouri, besides that of Nebraska, and into the territorial courts of Utah, Montana, and Wyoming.

The great diversity of his professional engagements is shown by a singular circumstance. Within a period of ten days he argued before the Supreme Court at Washington the case of the U. P. R. R. Co. against Penniston; before the United States circuit

court at Omaha the case of Hunnewell v. The Burlington R. R. Co. and of Wade v. The Omaha Hotel Co.; and before the territorial court of Utah at Salt Lake the case of Davis v. The Flagstaff Mining Co.

Most of the cases in which he was employed involved large interests and serious controversies. The space at our command does not permit the mention of any of these cases to justify this general statement.

Mr. Woolworth has not for years engaged in many jury trials; he has almost always avoided them when he could. But when compelled to lead in them he has shown rare skill and adroitness and powers of persuasion, and sometimes has risen to the heights of forensic eloquence. He did not indulge in extravagance of language, or go beyond the necessities of the occasion to display himself. His case was enough for him, and while bringing to it all his powers, his only effort was to persuade the reason and captivate the sympathies of the jury.

His best efforts were in the management and argument of equity causes and of questions of law. He had the rare faculty of discerning the points on which his case turned, and casting aside all matters which were of secondary importance. And having conceived the vital points clearly and strongly, he put his whole strength upon what must prove decisive. He always began his arguments by a statement of the facts clear, simple, unadorned, and without redundancy or dwelling on immaterial facts, and when he had once made it, a competent judge was in possession of the case and saw the points on which it must turn; and when he came to the discussion of the questions of law, he selected with skill and discrimination those on which he wished to fight the battle, turning the flank of his adversary and compelling the defense on his own ground. He was not simply adroit, but with masterly skill made the issue of the debate. And in the development of his propositions, one after the other in an orderly manner, the lucidity of his statements of them, his unerring logic, and the cogency and precision with which he drew his inferences, all so naturally, consistently, and persuasively, from first to last he commanded the confidence in his sincerity and disposition to fairness and drew after him the acquiescence of the court. He was not always right, but he made everybody believe that he thought he was right.

His vocabulary was copious, but his sentences were terse, concise, exact, and strong, one following the other in a natural sequence. His delivery was simple and natural without much physical exertion or excessive emphasis, but effective and persuasive. And this was so not only in the highest, but the lower courts. Indeed, some of his best and most characteristic efforts were in the county and district courts. Nevertheless, he needed, in order to do his best, an important controversy, a close question, and an appreciative court. With such stimulus, he did not care for more. Mr. Woolworth had one rare faculty and he possessed it in an extraordinary degree. When a controversy was brought to him and its justice impressed him, but he felt that it was involved in obscurity, so that no adjudged case or the principle of adjudged cases settled it, after much consideration he was able to discover a process which did not appear on the surface, by which its difficulties could be unraveled. An instance illustrative of this is the case of the C., R. I. & P. Co. against the U. P. Co., the principal question of which was whether the defendant was competent to grant to the plaintiff running right over its bridge and tracks from Council Bluffs to South Omaha. Mr. Woolworth was for the plaintiff. His associates argued the question upon the general rule of *ultra vires*. He took another turn. He examined not only the Pacific railroad acts of Congress, which were numerous, provisions of which bore directly on the subject, but a great mass of congressional legislation encouraging lines of road extending from state to state, and deduced a public policy of the most far reaching operation. It was a proposition which was not obvious at first sight, but when the argument was developed, the conclusion was irresistible; and the courts, first the circuit court, in which Mr. Justice Brewer presided, and then the court of appeals, where the judgment was delivered by Judge Sanborn, and lastly the Supreme Court, where Chief Justice Fuller pronounced the opinion, reiterated the argument of Mr. Woolworth.

Mr. Woolworth removed to Nebraska in 1856, thinking that a residence there would restore his health after a time, when he hoped to be able to return east. He called himself a democrat, but he could not accept the doctrine of squatter sovereignty, and believed that the federal government was the sovereign in the territories and could legislate on the subject of slavery as well as on all other proper legislative subjects, differing from the opinion prevalent among the democrats of the territory. While Nebraska was a territory, and for a time after she became a state, he took an active part in party politics. It was at this

early day that four men who were leaders in political opinion and action were drawn together by what may perhaps be called natural affinity and by common confection, J. Sterling Morton, Andrew J. Poppleton, Dr. George L. Miller, and Mr. Woolworth. They seemed to differ in temperament and ideals, but were drawn together and into a close and intimate friendship from the first, and their friendship continued until the bond was broken by the death of two of them. Two remain, the old ties between them only strengthened by time, association, and affliction. These four men held one great democratic principle in common, and it was a principle which gave tone and color and force to all others. It was that that government is best which governs least; that the individual should be left to himself to work out his own destiny without the aid of the state, and that thereby his powers and best interests would be most safely secured. All through their lives they have held steadfastly to that doctrine and all that naturally flows from it. It is a singular and interesting fact that always, without consultation and without one deferring to the other, their principles, opinions, sentiments, and aspirations have been consistent and their affections and their admiration for one another have never failed. Whatever honors have come to any one of them has been a joy to the others; whatever good thing has been done by one or has come to one, has been shared by all.

During the territorial days and the first years after the organization of the state, Mr. Woolworth took an active part in party affairs. He was never a candidate for office except at a special election to fill a vacancy in the Douglas county delegation of the lower house of the legislature, which resulted in his election, and another time, when he was the democratic candidate for chief justice and was defeated. A few years after the admission of the state he withdrew from party politics and has never participated in them. He has been a democrat, always voting the ticket of his party until the first election of President McKinley. Ever since he has voted the republican ticket, but protesting that he was not a republican, looking for the day when the control of the Democratic party would pass into other hands than those which have of late years controlled it.

Mr. Woolworth was one of the gentlemen who, in 1882, organized the South Omaha Land syndicate, an unincorporated association which laid out South Omaha. Afterwards the association was reorganized and incorporated. Mr. Woolworth has always been a director of it. At the same time, the same men, including Mr. Woolworth, organized the Union Stock Yards Co. of South Omaha. At times he has been a director of it, and has taken an active part in its management. He is a director in the First National bank of Omaha, vice-president of the Omaha Water Co. and of the South Omaha Cattle Loan Co., and a member of several other financial institutions.

A life of such laborious effort will never be complete and healthy without abundant recreation. This Mr. Woolworth finds, first, in literary studies and pursuits, and, second, in his thorough devotion to the Episcopal church. Chancellor of the diocese of Nebraska, for nearly thirty years a vestryman of Trinity, a lay delegate to the general convention of the church, he is, by common consent, the most influential and useful layman that that church possesses in Nebraska. Mr. Woolworth was chosen in the vestry of Trinity church at its first Easter election in 1857, and with brief intervals remained a member of it until the summer of 1885, when he resigned. For seventeen years of this time he was its senior warden, and took upon himself the active care of its affairs. During his term of service the parish was erected into a cathedral, the principles and the details of the larger organization having been formulated by him.

He has been often consulted by the bishops of other dioceses in the organization of their cathedrals. During his service as senior warden of Trinity, the present cathedral structure was erected. He had more to do with the work than any other person. Every one of the beautiful articles of furniture with which the church is filled were designed by the architect under his eye, and many of their striking features were his suggestions. He and his immediate family contributed to it a number of beautiful memorials. He erected the altar and reredos to the memory of his first wife. The panels of the altar are five in number and are filled with bas-reliefs in bronze, illustrative of scenes of our Lord's life. The bishop's throne and the annexed stalls and the dean's and canon's stalls were gifts of members of his family.

His work on "The Cathedral in America" is a charming contribution to a subject but little understood, and his occasional addresses upon matters of Episcopal polity are replete with profound learning and interesting information. His addresses, essays, and lectures upon general subjects have been very numerous. He has written, compiled, and published

books and articles upon many topics. Among these may be mentioned the first two volumes of Nebraska state reports, a volume of circuit court reports of the 8th judicial circuit of the United States, addresses before the state university, the Bar association of Nebraska; the Nebraska State Historical Society, his alma mater, Hamilton college, the Iowa university law school, the Iowa State Bar association, and at the commencement of Hobart college. Racine college conferred upon Mr. Woolworth the degree of LL.D., the University of Nebraska that of L.H.D., and Trinity university, Toronto, Can., conferred that of D.C.L.

He has been an active and useful member of the American Bar association. In 1888 he read before that body a paper on "Jurisprudence Considered as a Branch of the Social Science," which excited great interest. A learned professor of Berlin university, after listening to it, sought its author, and after expressing his admiration of it desired a copy in manuscript before it was printed. Later he read before the same body a paper on "The Development of the Law of Contracts," which aroused so much interest that he was elected president of the association.

Mr. Woolworth is a member of several learned societies: the American Historical association, the American Social Science association, the American Economic association, the International Law association, and several others.

His style is concise, scholarly, and polished in a high degree. His arguments in equity cases and before appellate tribunals are marked by profound learning, extensive research, and logical arrangement rarely surpassed by counsel. Books are his delight; his law library is extensive, and especially rich in the works of English authors and reporters, while his collection of miscellaneous books comprises many rare editions, illustrated treasures, splendidly bound copies of English and American classics.

Mr. Woolworth has been twice married, his first wife having been Miss Helen M. Beggs, of Syracuse, N. Y., and his second, Miss Elizabeth S. Butterfield of Omaha. Of these unions, three children survive. His large practice and engrossing cares have not debarred him from the enjoyment of cultured society. In his residence on St. Mary's Ave., he has long exercised and still indulges a refined hospitality, which is alike alluring to the transient guest and to those who enjoy the privilege of his constant companionship. He enjoys the early history of Nebraska. In the hall of his residence is a large mantel made of brick, stone, and wood taken from public buildings, all long since extinct, which were built before or shortly after the territory was organized.

WRIGHT, GEORGE, Nebraska pioneer, and prominent farmer and stock grower of Otoe precinct, Otoe county, was born in Germany in 1835 and came to America with his parents, Michael and Rosina (Atlee) Wright, when he was only eight years of age. His parents resided from 1843 to 1844 in upper Canada, then entered the "States" and settled in Nauvoo, Ill., where the elder Wright invested in town property. In 1845 Mrs. Wright died, and a few years later her bereaved husband enlisted in the United States army for service in the Mexican war. After the close of the war he went to California and never returned to the East. Thus was his young son, from the death of his mother when he was ten years old, left to make his way through life the best he could. His education was commenced in the schools of his birth land when he was six years of age, and during his boyhood days in America he had meager opportunity to gain an education in the public schools. He was fortunate in being cared for by a successful man, who became engaged in the mercantile business at Olena, Ill., and who gave him a chance to attend the public school there, and during vacation time gave him a practical knowledge of business affairs by letting him work in the store. In 1855, just a year before he became of age, deciding to commence the battle of life for himself, he started west, and on the first of that year landed at Nebraska City, then important as a supply point for the emigrants going west. From Nebraska City he went to Richardson county, and secured a position as clerk in a pioneer store, a trading post for the Indians mainly. Here he remained for a few months, then returned to Otoe county and obtained work on a farm at $20 a month. There he was employed until 1857, when he made claim to the northeast quarter of sec. 24, Otoe precinct, on which he built a log cabin and commenced farming. In addition to caring for his claim, he continued to work out by the month until 1861, when he married. He then removed to his claim, where he resided continuously until 1902, and where he became a very successful farmer and stock grower. He gradually increased his land holdings until he had nearly 1,000 acres of good land, all highly improved and stocked with the finest grades of stock.

Milo H. Young

After renting his Otoe county land to his son-in-law, R. L. Davis, Apr. 1, 1902, Mr. Wright purchased a ranch in Holt county, Neb., consisting of 1,280 acres, well stocked and in charge of Charles Buckman as foreman. Here Mr. Wright makes his home at present. Mr. Wright is an example of the successful man who has acquired his all by hard and conscientious work and by the exercise of excellent judgment. In his early days he had many obstacles to overcome and he persistently labored until he had accomplished what he had undertaken to do. His wife in maidenhood was Susan Hanks, a most faithful helpmate, who ever encouraged him in his efforts and gave substantial assistance to him in making his home all that he desired. She became the mother of four children, three of whom are living: Laura, Mary, and Martha. All were given the advantages of excellent educational facilities. The only son, Robert Leroy, died when two months old. Mrs. Wright died Mar. 10, 1898.

YOUNG, FRANK HENRY ORCUTT, president of the Custer National bank, Broken Bow, Neb., was born in Calais, Me., Nov. 7, 1852, son of Milo F. and Mary A. (Woods) Young, both of whom were natives of St. Johnsbury, Vt., where their families settled more than a hundred years ago, coming from Massachusetts. Milo F. Young after his marriage became a resident of Calais, Me., and in 1855 with his family moved to Sauk Rapids, Minn., and three years later to Arlington (then Belle Creek), Neb. Up to 1862 he was engaged in the freighting business between Omaha and Denver, when he enlisted in Co. A, 2d Regt. Neb. Vol. Two years prior to his enlistment, like other Nebraska settlers of that time, he was taken with the Pikes Peak epidemic, and removed with his family to Central City, Col., where they lived until 1862, when they returned to Nebraska. His wife taught school during the year of his service in the army, from which he was mustered out in 1863. After returning from the war, he again engaged in freighting between Omaha and Denver, and continued in this business until 1867. He then settled on a farm three miles east of Elkhorn, Neb., and lived there until 1871, when he removed his family to Lincoln. For four years he made his home in the capital city, where his son, Frank H., attended the state university. From Lincoln, Milo F. Young removed to Custer county where he has since resided. He is now eighty-one years old, in good health, and makes his home with his son Frank H., at Broken Bow. Frank H. Young earned his first money as a newspaper carrier. During his attendance at the state university he delivered the *Statesman*, conducted by Randall & Smails, evenings after his hours at the university, and worked in the office and collected for them on Saturdays. In 1873 he went with Caleb J. Dilworth and A. S. Baldwin to Phelps county, and was employed in resurveying old government lines and locating claims. In May of that year the first election to complete the organization of the county was held, and Mr. Young was elected county clerk, receiving the unanimous vote of the seventeen electors of the county. He was twice reelected to the office. In the summer of 1876 he went with his father to the South Loup valley and settled on a ranch. The following summer a petition was circulated for the organization of Custer county, and at the subsequent election Mr. Young was elected clerk of the newly organized county, and was reelected to the office, retiring in the spring of 1882. Afterwards he was clerk to Supt. P. J. Nichols of the U. P. R. R., and later was agent of the Oregon Short Line at American Falls, Idaho. In the spring of 1883 he took up his residence on his ranch and lived there until the fall of 1892, when he removed to Broken Bow, which has since been his home. In the spring of 1898 he was appointed receiver of the United States land office at that place, and was reappointed by President Roosevelt in 1902, but resigned that position in Mar., 1903, to give his attention to the five banks in Custer county of which he is president. Mr. Young has always been a republican and has attended nearly all of the state conventions of that party since 1875, serving as vice-chairman in the campaign of 1900, and for ten years as secretary of the Custer county central committee. He has been a Free Mason since he was twenty-two years old, and has taken all the degrees of the order, having been crowned inspector general of the thirty-third degree in Dec., 1884. He has served as master of three different lodges, high priest, illustrious master and commander, grand high priest and grand master of grand lodge and of grand council. On May 20, 1881, he was married to Miss Clara D. Albertson,[1] daughter of Judge Isaac Albertson[2] of Colfax county, Neb., who was a member of the tenth and eleventh sessions of the territorial council. Mr. and Mrs. Young are the parents of five children: Ralph H., Ruth A., and May A., all deceased, and Lyle and Frances, both living at home.

[1] For biography and portrait of Clara Albertson Young, see Vol. II.

[2] For biographies and portraits of Mr. and Mrs Isaac Albertson, see Vol. II.